

Exhibit 18

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

No. 14-CV-2058 (SC)
MDL No. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

VIDEOTAPED DEPOSITION of MAX WASINGER
Los Angeles, California
Thursday, July 16, 2015

Reported by
Daryl Baucum, RPR, CRR, RMR, CSR No. 10356

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 15 VIDEOTAPED DEPOSITION of MAX WASINGER, at
 16 633 West Fifth Street, Suite 3600, Los Angeles,
 17 California, beginning at 9 03 a.m. and ending
 18 at 2 02 p.m., on Thursday, July 16, 2015,
 19 before Daryl Baucum, RPR, CRR, RMR,
 20 CSR No. 10356
 21
 22
 23
 24
 25

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2 (Pages 2 - 5)

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<p>1 APPEARANCES OF COUNSEL (CONTINUED)</p> <p>2</p> <p>3 FOR THE TOSHIBA DEFENDANTS:</p> <p>4</p> <p>5 WHITE & CASE</p> <p>6 BY: JONATHAN C. BLACK, ATTORNEY AT LAW</p> <p>7 701 Thirteenth Street, NW</p> <p>8 Washington, D.C. 20005</p> <p>9 202.626.3618</p> <p>10 Jonathanc.Black@WhiteCase.com</p> <p>11</p> <p>12</p> <p>13 FOR THE PANASONIC DEFENDANTS:</p> <p>14</p> <p>15 WEIL, GOTSHAL & MANGES</p> <p>16 BY: MARJAN HAJIBANDEH, ATTORNEY AT LAW</p> <p>17 767 Fifth Avenue</p> <p>18 New York, New York 10153</p> <p>19 212.310.8192</p> <p>20 Marjan.Hajibandeh@Weil.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX</p> <p>2</p> <p>3</p> <p>4 WITNESS: MAX WASINGER</p> <p>5 EXAMINATION PAGE</p> <p>6 BY: MR. SAVERI 13</p> <p>7 BY: MR. MURRAY 172</p> <p>8 BY: MR. FUENTES 177</p> <p>9</p> <p>10</p> <p>11</p> <p>12 QUESTIONS WITNESS WAS INSTRUCTED NOT TO ANSWER:</p> <p>13 (NONE)</p> <p>14</p> <p>15</p> <p>16</p> <p>17 INFORMATION TO BE SUPPLIED.</p> <p>18 (NONE)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1	DEPOSITION EXHIBITS		1	please, state them at the time of your appearance	09:03:35
2	MAX WASINGER		2	beginning with the noticing attorney:	09:03:37
3			3	MR. SAVERI: Good morning. My name is	09:03:41
4	NUMBER DESCRIPTION PAGE		4	Rick Saveri on behalf of the Direct Purchaser Class	09:03:42
5	Exhibit 8300 Mitsubishi Electric and	81	5	Plaintiffs.	09:03:46
6	Electronics USA, Inc.		6	MR. HWU: David Hwu of Sevari and Saveri	09:03:47
7	Document Retention Policy		7	on behalf the Direct Purchaser Class Plaintiffs	09:03:47
8	Exhibit 8301 Exhibit A, Records Retention	88	8	MR. MURRAY: Kevin Murray from Kenny	09:03:53
9	Program		9	Nachwalter on behalf of the Sears and K-Mart	09:03:53
10	Exhibit 8302 Mitsubishi Electronics America,	97	10	plaintiffs	09:03:55
11	Inc. Dealer Agreement		11	MS. ZWICKER: Kathryn Zwickler, Klee,	09:03:56
12	Exhibit 8303 June 10, 1996, Inter-Office	112	12	Tuchin, Bogdanoff and Stern for Alfred H. Siegel,	09:03:56
13	Memorandum from Toshiba		13	trustee of the Circuit City Trust. And I am here	09:03:59
14	Exhibit 8304 April 17, 1996, Inter-Office	123	14	with our summer associate.	09:04:02
15	Memorandum from Toshiba		15	MR. CASERIA: Leo Caseria, Sheppard,	09:04:04
16	Exhibit 8305 CRT and CTV and PTV Manufacturers	136	16	Mullin for the Samsung SDI defendants.	09:04:04
17	in North America		17	MS. BARCLAY-STROBEL: Jessica	09:04:09
18	Exhibit 8306 E-mail threat, first E-mail dated	163	18	Barclay-Strobel of Munger, Tolles and Olson, on	09:04:09
19	June 23, 2006, from Gary Watkins		19	behalf of the LG Electronics, Inc.	09:04:09
20	to Max Wasinger		20	MR. ADELSON: Eliot Adelson of Kirkland	09:04:14
21			21	and Ellis for Hitachi.	09:04:14
22			22	MR. FUENTES: Gabriel Fuentes on behalf of	09:04:17
23			23	the Mitsubishi Electric defendants and the witness.	09:04:21
24			24	And I am here from Jenner and Block.	09:04:23
25			25	THE VIDEOGRAPHER: Thank you. The witness	09:04:25
Page 11			Page 13		
1	LOS ANGELES, CALIFORNIA; THURSDAY, JULY 16, 2015		1	will be sworn in and counsel may begin the	09:04:26
2	9:02 A.M.		2	examination.	09:04:30
3			3	MR. SAVERI: Why don't we have those	09:04:31
4	THE VIDEOGRAPHER: Good morning. We are	09:02:33	4	people on the phone identify themselves and whom	09:04:32
5	on the record at 9:02 a.m. on July 16, 2015. This	09:02:34	5	they represent.	09:04:34
6	is the video recorded deposition of Max Wasinger.	09:02:40	6	MS. HAJIBANDEH: Marjan Hajibandeh of	09:04:35
7	My name is Gilbert Miranda, here with our	09:02:42	7	Weil, Gotshal and Manges, for the Panasonic	09:04:35
8	court reporter Daryl Baucum. We are here from	09:02:45	8	defendants.	09:04:42
9	Veritext Legal Solutions at the request of counsel	09:02:47	9	MR. BLACK: Jonathan Black, White and	09:04:43
10	for plaintiff.	09:02:50	10	Case, on behalf the Toshiba defendants.	09:04:45
11	This deposition is being held at 633 West	09:02:52	11	MS. GELOTT: Tiffany Gelott, Baker, Botts,	09:04:48
12	Fifth Street, Suite 3600 in Los Angeles.	09:02:56	12	on behalf of the Phillips defendants.	09:04:48
13	The caption of this case is in regards to	09:03:00	13	MR. SAVERI: Anyone else?	09:04:57
14	Cathode Ray Tube Antitrust Litigation versus All	09:03:03	14		09:04:59
15	Direct Purchaser Actions, case number 14CV2058	09:03:07	15	MAX WASINGER,	
16	Please, note that audio and video	09:03:15	16	having been first duly sworn, was	
17	recording will take place unless all parties agree	09:03:17	17	examined and testified as follows:	
18	to go off the record. Microphones are sensitive and	09:03:19	18		
19	may pick up whispers, private conversations and	09:03:21	19	EXAMINATION	09:05:06
20	cellular interference.	09:03:24	20	BY MR. SAVERI:	09:05:13
21	I am not authorized to administer an oath.	09:03:26	21	Q: Good morning, sir. May name is Rick	09:05:15
22	I am not related to any party in this action. Nor	09:03:28	22	Saveri and I represent the direct purchaser	09:05:18
23	am I financially interested in the outcome in any	09:03:30	23	plaintiffs in this action.	09:05:21
24	way.	09:03:33	24	Would you, please, state your full name	09:05:23
25	If there are any objections to proceeding,	09:03:34	25	and spell it for the record.	09:05:25

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1	A	Max Wasinger. Max is M-A-X, last name	09:05:29
2		Wasinger, W-A-S-I-N-G-E-R.	09:05:33
3	Q	And you go by "Max" not "Maxwell"?	09:05:36
4	A	Just "Max."	09:05:39
5	Q	And do you use any nicknames or aliases or	09:05:40
6		you just go by "Max" or "Mr. Wasinger" -- is it	09:05:43
7		Wasinger?	09:05:46
8	A	Yeah, Wasinger.	09:05:47
9	Q	Wasinger?	09:05:50
10	A	"Max" is fine.	09:05:50
11	Q	"Max" is fine. I will keep it to	09:05:51
12		"Mr. Wasinger."	09:05:53
13		And you don't have any nicknames or	09:05:54
14		aliases or anything like that?	09:05:56
15	A	No.	09:05:57
16	Q	And where do you currently live, sir?	09:05:57
17	A	You want my full address?	09:06:02
18	Q	Sure	09:06:03
19	A	35029 Camino Capistrano, Capistrano Beach,	09:06:04
20		California 92624.	09:06:09
21	Q	And have you ever testified under oath	09:06:12
22		before?	09:06:14
23	A	I have.	09:06:14
24	Q	And when was that?	09:06:15
25	A	I don't recall the exact date. Maybe five	09:06:18
Page 15			
1		years ago.	09:06:21
2	Q	And what was that -- and was it a	09:06:22
3		deposition?	09:06:26
4	A	It was a deposition.	09:06:27
5	Q	And what was the deposition, in what case?	09:06:28
6		Do you recall?	09:06:33
7	A	I don't recall the case.	09:06:33
8	Q	Do you -- were you testifying as it	09:06:34
9		relates to your business activities or personal	09:06:38
10		activities?	09:06:40
11	A	Business activities.	09:06:41
12	Q	And did that case involve LCD, liquid	09:06:49
13		crystal display?	09:06:53
14	A	No.	09:06:56
15	Q	Did that case involve any antitrust	09:06:56
16		matters or cartel matters?	09:06:59
17	A	It -- I don't recall the specifics.	09:07:04
18		Again, sorry. I just don't recall.	09:07:06
19	Q	That is quite all right.	09:07:08
20		To the best of your understanding, what	09:07:10
21		was that litigation about?	09:07:11
22	A	It had to do with manufacturing -- it was	09:07:17
23		actually called "On Behalf of Mitsubishi Electric"	09:07:23
24		and had to do with the quantities of specific models	09:07:29
25		manufactured	09:07:34
Page 16			
1	Q	So the amount of product?	09:07:35
2	A	Yes.	09:07:36
3	Q	That Mitsubishi Electric made?	09:07:37
4	A	Yes.	09:07:38
5	Q	And do you recall where that litigation	09:07:40
6		was?	09:07:42
7	A	It was in, I believe, Irvine, California.	09:07:44
8	Q	So it was in California?	09:07:48
9	A	Yes.	09:07:50
10	Q	Go ahead and finish.	09:07:52
11	A	It was in California.	09:07:53
12	Q	One of the things -- I will get to it in a	09:07:55
13		minute -- is this is a -- since you have been in a	09:07:57
14		deposition, this is a question-and-answer period. I	09:08:01
15		am going to try to get my question out before you	09:08:03
16		answer and I am going to try to let you get your	09:08:05
17		answer out before I ask my next one.	09:08:07
18		And I see you probably are a person like	09:08:10
19		myself who we have a -- probably have a tendency to	09:08:13
20		talk a lot. So we got to be careful here.	09:08:17
21		You understand that?	09:08:19
22	A	Yes.	09:08:20
23	Q	Great. Thank you.	09:08:20
24		And the litigation that we were referring	09:08:23
25		to, you indicated that that was here in California;	09:08:26
Page 17			
1		is that correct?	09:08:35
2	A	Yes.	09:08:36
3	Q	Do you recall the name of the litigation?	09:08:40
4	A	I do not.	09:08:42
5	Q	And to the best of your understanding,	09:08:44
6		that was about five or six years ago, at least, when	09:08:46
7		you were deposed?	09:08:50
8	A	Yes.	09:08:51
9	Q	Do you recall the law firm that	09:08:54
10		represented you in that litigation?	09:08:56
11	A	I do not.	09:08:58
12	Q	Do you recall the law firm or the lawyer	09:09:00
13		that took the deposition?	09:09:02
14	A	Took on behalf of Mitsubishi Electric.	09:09:10
15	Q	Whoever was taking the deposition?	09:09:13
16		MR. FUENTES: Object to the form.	09:09:16
17		THE WITNESS: I don't recall -- Alan	09:09:21
18		Alswang, I believe was the head of that area, but I	09:09:23
19		don't recall the attorney that took -- I don't	09:09:26
20		recall his name. I will think of it. I am sure,	09:09:30
21		before the end of the day.	09:09:32
22		BY MR. SAVERI.	09:09:34
23	Q	Fair enough, fair enough.	09:09:35
24		And at that time, were you a MELCO	09:09:39
25		employee?	09:09:43

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Page 18				Page 20			
1	A	I was an MDEA employee.	09:09:44	1	please, give an oral answer to all my questions. Do	09:11:50	
2	Q	And this would be about 2010.	09:09:52	2	not nod or shake your head in response to any	09:11:53	
3	A	Yes, that time period.	09:09:55	3	question as that will not be transcribed.	09:11:56	
4	Q	Just to go over a few ground rules here,	09:10:02	4	Is that clear?	09:11:58	
5		you have been in a deposition before but --	09:10:07	5	A Yes.	09:12:00	
6	A	May I?	09:10:09	6	Q Also, for the sake of the court reporter,	09:12:03	
7	Q	Sure. Go ahead.	09:10:10	7	it's important that we speak slowly and not try to	09:12:05	
8	A	I believe the attorney was Ron Taylor.	09:10:11	8	talk over each other.	09:12:09	
9	Q	Ron Taylor.	09:10:15	9	Okay?	09:12:11	
10		So you were right, you would remember it,	09:10:18	10	A Yes.	09:12:11	
11		All right.	09:10:21	11	Q My job is to ask clear questions. If you	09:12:13	
12		Just to go over a few ground rules. So	09:10:22	12	do not fully understand the question I have asked,	09:12:16	
13		you have been through a deposition before. You	09:10:24	13	please, ask me to clarify it and I will do the best	09:12:19	
14		understand that this is a formal process on the	09:10:26	14	to do so. When you answer a question, it will be	09:12:23	
15		record where I ask the questions and you give the	09:10:28	15	presumed that you understood the question.	09:12:27	
16		answers. We're taking video and a court reporter is	09:10:31	16	Does that sound fair?	09:12:29	
17		going to take down everything you say	09:10:34	17	A Yes.	09:12:30	
18		Okay?	09:10:36	18	Q Your counsel may make an objection once I	09:12:32	
19	A	Yes.	09:10:37	19	have asked a question. Once your counsel has stated	09:12:37	
20	Q	And you understand that you are under oath	09:10:38	20	the objection, you are required to answer the	09:12:40	
21		and that you are required to give truthful	09:10:40	21	question unless your counsel specifically instructs	09:12:42	
22		testimony	09:10:43	22	you not to	09:12:46	
23	A	Yes.	09:10:43	23	Okay?	09:12:47	
24	Q	And you understand that that means that	09:10:45	24	A Yes.	09:12:47	
25		you are supposed to give honest and truthful answers	09:10:49	25	Q And I may be referring to questions as to	09:12:51	
Page 19				Page 21			
1		just as if you were sitting before a judge or a	09:10:52	1	relevant time period or the time period in question,	09:12:53	
2		jury?	09:10:54	2	something like that, and that period will be from	09:12:57	
3	A	Yes.	09:10:55	3	March 1, 1995 through December 31, 2007	09:13:03	
4	Q	And are you willing to abide your oath and	09:10:55	4	Is that okay?	09:13:08	
5		tell the full truth to the best of your ability	09:10:59	5	A Yes.	09:13:09	
6		during this deposition?	09:11:01	6	Q And unless I say otherwise, that is the	09:13:10	
7	A	Yes.	09:11:02	7	period in question when I ask all the questions that	09:13:14	
8	Q	And you understand that the videotape of	09:11:05	8	I am going to be asking.	09:13:17	
9		your testimony today could be presented to a jury if	09:11:08	9	Okay?	09:13:20	
10		the case goes to trial?	09:11:12	10	A Yes.	09:13:21	
11	A	Yes.	09:11:14	11	Q Did you do anything to prepare for your	09:13:25	
12	Q	And as this deposition goes along, please,	09:11:16	12	deposition today?	09:13:27	
13		let me know if you need to take a break. And we can	09:11:19	13	A No.	09:13:28	
14		take one after a pending question or a line of	09:11:22	14	Q Did you meet with any of your lawyers	09:13:31	
15		questions on a document that has been answered.	09:11:25	15	before you --	09:13:33	
16		Okay?	09:11:29	16	A I met -- I met with Mr. Fuentes.	09:13:34	
17	A	Yes.	09:11:29	17	Q And when did you meet with Mr. Fuentes?	09:13:40	
18	Q	And a few additional ground rules you	09:11:34	18	A Yes, yes.	09:13:43	
19		probably went over with your attorney. The court	09:11:37	19	Q And how long was that meeting?	09:13:44	
20		reporter will be transcribing everything that we say	09:11:39	20	A A couple of hours.	09:13:46	
21		for the purpose of creating an official record of	09:11:42	21	Q And was anyone else present at the meeting	09:13:51	
22		this deposition.	09:11:44	22	besides --	09:13:55	
23		You understand that.	09:11:45	23	A No. Sorry.	09:13:56	
24	A	Yes.	09:11:46	24	Q I can see where this is. We will keep	09:13:58	
25	Q	And that as I just sort of went over,	09:11:47	25	working on it.	09:14:01	

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Page 22			Page 24		
1	So I'm going to just repeat it just so we	09:14:02	1	that?	09:16:21
2	get it clear.	09:14:05	2	A Two months ago.	09:16:23
3	Was anyone else present at the meeting	09:14:06	3	Q A few months ago?	09:16:24
4	with you and Mr. Fuentes yesterday?	09:14:08	4	A Yes.	09:16:25
5	A No.	09:14:11	5	Q So besides Mr. Fuentes yesterday and a	09:16:26
6	Q Thank you	09:14:11	6	scheduling conversation, did you talk to anybody at	09:16:30
7	Besides that meeting, did you have any	09:14:16	7	Jenner, Block, about anything related to this	09:16:34
8	other meetings with anybody to discuss your	09:14:18	8	litigation?	09:16:36
9	deposition today?	09:14:22	9	A No.	09:16:37
10	A No.	09:14:23	10	Q Besides the meeting yesterday with	09:16:39
11	Q Did you meet with any other Mitsubishi	09:14:26	11	Mr. Fuentes and the scheduling conversation, did you	09:16:41
12	colleagues to discuss your deposition?	09:14:31	12	talk to anybody at Mitsubishi regarding your	09:16:44
13	A No.	09:14:34	13	deposition today?	09:16:49
14	Q Do you know Mr. Furakawa?	09:14:37	14	A Yes.	09:16:51
15	A Yes.	09:14:40	15	Q And who was that?	09:16:51
16	Q Did you talk to Mr. Furakawa about your	09:14:40	16	A Perry Pappas.	09:16:53
17	deposition today?	09:14:44	17	Q And who is Mr. Pappas?	09:16:58
18	A No.	09:14:45	18	A I believe he's general counsel for MEUS.	09:17:01
19	Q Did you talk to him about his deposition?	09:14:45	19	Q And when did you talk to Mr. Pappas?	09:17:08
20	A No.	09:14:47	20	A The first call that I received regarding	09:17:12
21	Q Did you review any documents in	09:14:52	21	this deposition was from him that you will be	09:17:14
22	preparation for your deposition today?	09:14:54	22	receiving a call from Jenner, Block, you have -- you	09:17:17
23	A No.	09:14:55	23	will be asked to participate in a deposition. That	09:17:20
24	Q Did you ask to see any documents for your	09:15:00	24	was the extent of the phone call.	09:17:24
25	deposition today?	09:15:03	25	Q And that was the only conversation that	09:17:28
Page 23			Page 25		
1	A No.	09:15:05	1	you had with Mr. Pappas?	09:17:29
2	Q Have you communicated about this	09:15:09	2	A Yes.	09:17:31
3	deposition with anyone apart from your lawyers and	09:15:11	3	Q And that's the only conversation you had	09:17:31
4	Mr. Fuentes yesterday?	09:15:15	4	with anybody at Mitsubishi regarding this	09:17:32
5	A No.	09:15:16	5	deposition?	09:17:34
6	Q Did you take any notes to prepare for this	09:15:22	6	A Yes.	09:17:35
7	deposition?	09:15:29	7	Q Now, did you talk to anybody at Mitsubishi	09:17:36
8	A No.	09:15:29	8	besides the conversation yesterday with Mr. Fuentes	09:17:39
9	Q Do you have any medical conditions that	09:15:35	9	and this scheduling call and this call with	09:17:43
10	would prevent you from testifying today?	09:15:37	10	Mr. Pappas with anybody else at Mitsubishi regarding	09:17:47
11	A No.	09:15:39	11	anything related to this litigation?	09:17:50
12	Q Have you taken any medications that may	09:15:40	12	A No.	09:17:54
13	affect your memory in any way?	09:15:42	13	Q Did you talk to any -- do you know a	09:17:56
14	A No.	09:15:44	14	gentleman by the name of Mr. Hara?	09:17:59
15	Q So just I'm clear, so before your meeting	09:15:47	15	A No.	09:18:03
16	yesterday with Mr. Fuentes, have you talked to	09:15:51	16	Q You didn't talk to anybody at MELCO	09:18:04
17	anybody at Jenner, Block, or anybody about this	09:15:55	17	regarding this litigation?	09:18:07
18	litigation?	09:16:01	18	A No.	09:18:08
19	A Only to inform me that I was going to be	09:16:02	19	Q Did you talk to anybody at any Mitsubishi	09:18:10
20	deposed. That's the only communication I had.	09:16:05	20	US entity regarding this litigation?	09:18:14
21	Q So you had some communication where	09:16:11	21	A No.	09:18:18
22	somebody said some dates possibly for your	09:16:13	22	Q At any time, did you receive any	09:18:19
23	deposition and scheduling?	09:16:15	23	communication from Mitsubishi regarding documents or	09:18:22
24	A Yes.	09:16:18	24	anything related to this litigation?	09:18:30
25	Q And besides -- and approximately when was	09:16:18	25	MR. FUENTES. Object to the form.	09:18:32

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1	THE WITNESS: I don't recall.	09:18:34	1	How have you understood it to be referred	09:20:56
2	BY MR. SAVERI	09:18:35	2	to at Mitsubishi?	09:20:59
3	Q One way or the other.	09:18:35	3	A "CRT."	09:21:00
4	A That's correct.	09:18:37	4	Q Just a "CRT"?	09:21:02
5	Q But you don't recall ever getting any	09:18:37	5	A Correct.	09:21:03
6	letter from Mitsubishi or Jenner, Block, about	09:18:39	6	Q And then a tube that goes into a monitor,	09:21:05
7	preserving documents or anything?	09:18:47	7	would that also be referred to as a "CRT" or a	09:21:09
8	MR. FUENTES: Object to form.	09:18:50	8	"CDT," a color display tube?	09:21:13
9	THE WITNESS: That is correct.	09:18:51	9	A I never have heard the expression "CDT,"	09:21:18
10	BY MR. SAVERI	09:18:51	10	just "CRT."	09:21:22
11	Q You don't recall ever getting one.	09:18:51	11	Q Just "CRT."	09:21:24
12	A Yes.	09:18:53	12	So when we say "CRT" from during this	09:21:25
13	Q What is your understanding of what this	09:19:04	13	deposition, it will refer to the tube that goes into	09:21:29
14	case is about?	09:19:06	14	a television or monitor.	09:21:32
15	MR. FUENTES: Object to form.	09:19:09	15	Fair enough?	09:21:35
16	BY MR. SAVERI.	09:19:11	16	A Yes.	09:21:36
17	Q Go ahead.	09:19:12	17	Q And then when I refer to "CRT products," I	09:21:41
18	A About some price fixing on cathode ray	09:19:14	18	am going to -- that will refer to a television or a	09:21:44
19	tubes that go into television sets.	09:19:24	19	monitor.	09:21:47
20	Q So besides some price fixing related to	09:19:27	20	Fair enough?	09:21:47
21	CRT tubes in television sets, do you have any	09:19:38	21	A Yes.	09:21:49
22	understanding or additional understanding of this	09:19:41	22	Q Or I will say "television" or "monitor"	09:21:50
23	litigation?	09:19:42	23	just to clarify.	09:21:53
24	MR. FUENTES: Object to form.	09:19:43	24	A That would be better.	09:21:54
25	THE WITNESS: No.	09:19:46	25	Q I would like to get a little educational	09:22:02
Page 27			Page 29		
1	BY MR. SAVERI	09:19:47	1	background and then move on.	09:22:05
2	Q Just to go over some terminology so that	09:19:55	2	Did you attend college?	09:22:07
3	we can get on the same page, you mentioned cathode	09:19:59	3	A Yes.	09:22:08
4	ray tubes. It's sometimes referred to as "CRT."	09:20:02	4	Q And where was that?	09:22:09
5	Do you understand that?	09:20:07	5	A Fort Hays State University in Hays.	09:22:11
6	A Yes.	09:20:07	6	Kansas.	09:22:13
7	Q So if I say "CRT," you will understand	09:20:08	7	Q And did you receive a degree?	09:22:16
8	that to mean a cathode ray tube; is that correct?	09:20:09	8	A Yes.	09:22:18
9	A Yes.	09:20:13	9	Q And what was your degree in?	09:22:18
10	Q And cathode ray tubes can't be used,	09:20:15	10	A Business administration.	09:22:20
11	themselves.	09:20:23	11	Q And that's an undergraduate degree?	09:22:25
12	They're put into a product, is that	09:20:24	12	A Yes.	09:22:27
13	correct?	09:20:25	13	Q Did you ever get any advanced degrees	09:22:27
14	A Yes.	09:20:26	14	beyond college?	09:22:31
15	Q And that's usually a television or a	09:20:26	15	A No advanced degrees, per se, although I	09:22:32
16	monitor; is that correct?	09:20:31	16	did attend the Institute for Advanced Advertising	09:22:35
17	A Yes.	09:20:31	17	Studies at Northwestern University as part of a	09:22:39
18	Q And a cathode ray tube that goes into a	09:20:33	18	management training program at Motorola.	09:22:42
19	television is generally referred to as a "CPT"; is	09:20:36	19	Q And do you get a certificate for that or	09:22:46
20	that correct?	09:20:41	20	is there a licensing or something from that for	09:22:48
21	A I have never heard it called that before.	09:20:41	21	attendance?	09:22:51
22	Q Color picture tube?	09:20:45	22	A Yes, yes, I received a certificate of	09:22:54
23	A Well, color picture tube. I know what that.	09:20:46	23	completion.	09:22:56
24	means. I have never heard it called a "CPT."	09:20:48	24	Q And how long is that program?	09:23:00
25	Q So a tube that goes into a television.	09:20:52	25	A It was about nine months.	09:23:01

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1	Q	And that was in advertising, correct?	09:23:05	1	MEVSA?		09:26:35
2	A	That's correct.	09:23:07	2	A	For approximately three years.	09:26:40
3	Q	Have you studied Japanese at all?	09:23:09	3	Q	Just to get this outline, I am just going	09:26:52
4	A	No.	09:23:11	4		to try to go through your work history here. So	09:26:56
5	Q	Do you speak Japanese?	09:23:12	5		that's what I am getting at. And I will work	09:26:58
6	A	No.	09:23:15	6		through all the different Mitsubishi entities. So	09:27:00
7	Q	Do you read Japanese?	09:23:16	7		it's a little confusing for me. So hopefully, we	09:27:02
8	A	No.	09:23:17	8		can clear it up.	09:27:05
9	Q	So I'm assuming you don't write Japanese.	09:23:18	9		So that would put us at about 12/2010, is	09:27:06
10	A	That's correct.	09:23:22	10		that correct, when you took over as EVP of Sales for	09:27:14
11	Q	Are you currently employed?	09:23:38	11	MEVSA?		09:27:17
12	A	No.	09:23:41	12	A	Approximately, yes.	09:27:18
13	Q	And what was the last job you held?	09:23:43	13	Q	And before that, what was your job at	09:27:19
14	A	I worked for a company called Meridian	09:23:48	14		Mitsubishi entities?	09:27:25
15		Enterprises for about seven months after I retired	09:23:50	15	A	EVP of Sales and Marketing of MDEA,	09:27:27
16		from Mitsubishi	09:23:55	16		Mitsubishi Digital Electronics America.	09:27:38
17	Q	And what does Meridian Enterprises do?	09:24:06	17	Q	And how long were you EVP of Sales of	09:27:42
18	A	Customer support and motivational programs	09:24:13	18		Marketing for MDEA?	09:27:46
19		for corporations.	09:24:19	19	A	I don't recall the exact date but maybe	09:27:50
20	Q	And where are they located?	09:24:22	20		for two years.	09:27:54
21	A	St. Louis, Missouri.	09:24:25	21	Q	So approximately in 2008, you started as	09:28:02
22	Q	And did you commute from California to	09:24:37	22		EVP of Sales for MDEA?	09:28:07
23		St. Louis?	09:24:44	23	A	Approximately.	09:28:12
24	A	No.	09:24:44	24	Q	And MDEA is located where?	09:28:12
25	Q	And what was your role at Meridian	09:24:45	25	A	Well, they're no longer in existence.	09:28:15
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1		Enterprises?	09:24:47	1	Q	Where were they located?	09:28:19
2	A	Sales.	09:24:49	2	A	Irvine, California.	09:28:21
3	Q	Did you have a region?	09:24:50	3	Q	And is this a different facility than the	09:28:25
4	A	No, no specific boundaries.	09:24:54	4		MEVSA location in Cypress?	09:28:29
5	Q	So you indicated that you went to Meridian	09:24:59	5	A	Yes.	09:28:32
6		after you left Mitsubishi; is that correct?	09:25:02	6	Q	And when did MDEA cease to exist?	09:28:33
7	A	That's correct.	09:25:04	7	A	I don't recall the specific date. Right	09:28:41
8	Q	And what was your last day at Mitsubishi?	09:25:05	8		prior to the opening of MEVSA. It transitioned from	09:28:45
9	A	December 31, 2013.	09:25:09	9		MDEA to MEVSA.	09:28:52
10	Q	And what was your title when you left	09:25:21	10	Q	So the entity that was MDEA then became	09:28:56
11		Mitsubishi in December of 2013?	09:25:24	11		MEVSA?	09:29:01
12		MR. FUENTES: Object to the form.	09:25:29	12	A	That's correct.	09:29:02
13		Mitsubishi.	09:25:31	13	Q	And what was your role -- what were your	09:29:12
14		THE WITNESS: EVP of Sales for MEVSA,	09:25:33	14		duties and responsibilities as EVP of Sales and	09:29:16
15		Mitsubishi Visual Solutions America.	09:25:41	15		Marketing at MDEA?	09:29:18
16	BY MR. SAVERI:		09:25:43	16	A	I was responsible for all sales of display	09:29:24
17	Q	And MEVSA is located where?	09:25:49	17		products -- consumer display products and marketing.	09:29:29
18	A	Cypress, California.	09:25:56	18	Q	And could you give me just a general list	09:29:43
19	Q	And where was your office?	09:26:02	19		of when you say "display products," is that	09:29:46
20	A	Cypress, California.	09:26:03	20		televisions monitors?	09:29:49
21	Q	And what were your duties and	09:26:05	21	A	Televisions only.	09:29:52
22		responsibilities as EVP of Sales for MEVSA?	09:26:13	22	Q	Just televisions?	09:29:52
23	A	I was responsible for the sales of	09:26:17	23	A	That's correct.	09:29:53
24		professional display products.	09:26:21	24	Q	And in the televisions, is that LCD plasma	09:29:54
25	Q	And how long were you EVP of Sales of	09:26:30	25		CRT?	09:29:59

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1	A	Yes. 09:30:00	1	A	Just VP of Sales. 09:32:44
2	Q	So at this time, the '08 to 2010, MDEA was 09:30:02	2	Q	And when did you become VP of Sales? 09:32:50
3		selling CRT televisions? 09:30:09	3	A	I don't recall the specific date but 09:33:01
4	A	No. 09:30:13	4		around 2000. 09:33:03
5	Q	But when that last -- the previous 09:30:15	5	Q	So from 2000 to 2006, you were the Vice 09:33:09
6		question when I say "display products," televisions 09:30:18	6		President of Sales at MDEA? 09:33:12
7		would include through the history of Mitsubishi, 09:30:20	7	A	Correct. 09:33:16
8		CRT's, plasma, LCD and other things, I assume. 09:30:22	8	Q	And as VP of Sales at MDEA, what were your 09:33:21
9	MR. FUENTES:	Object to the assumption in 09:30:30	9		duties and responsibilities? 09:33:24
10		the question. 09:30:33	10	A	The sales of consumer electronics 09:33:27
11	BY MR. SAVERI:	09:30:34	11		products. 09:33:30
12	Q	Go ahead. 09:30:34	12	Q	And before that -- and how long were you 09:33:39
13	A	Well, the primary thrust of our business 09:30:35	13		in the VP of Sales at MDEA? 09:33:43
14		was projection TV. 09:30:38	14	A	Well, for that 2000 time period -- 09:33:51
15	Q	Rear projection TV? 09:30:42	15		approximately 2000 time period to when I got 09:33:54
16	A	Yes. 09:30:44	16		promoted to SVP of Sales. 09:33:58
17	Q	And those used CRT tube, correct? 09:30:44	17	Q	Just so I'm clear, you started as VP of 09:34:11
18	A	That's correct. 09:30:50	18		Sales at MDEA in 2000, correct? 09:34:13
19	Q	Go ahead. 09:30:52	19	A	Correct. 09:34:16
20	A	The earlier generations did. The latter 09:30:52	20	Q	And before that, what was your job role at 09:34:17
21		generations used a chip set from DI called "DLP," 09:30:55	21		MDEA? 09:34:21
22		DLP projection TV. 09:31:00	22	A	We had two regions. I was the Western 09:34:23
23	Q	And about when were tubes taken out and 09:31:03	23		Regional Vice President. 09:34:26
24		went to DLP? 09:31:05	24	Q	And when did you start that role? 09:34:33
25	A	I am going to say 2000 -- again, I don't 09:31:07	25	A	Maybe 19- -- again, I don't know. 09:34:43
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1		recall -- 09:31:11	1		specifically. I'm going to give you an approximate 09:34:46
2	Q	The best -- 09:31:12	2		date. Around 1995 or 1996. 09:34:49
3	A	-- the exact date. 09:31:13	3	Q	And you said you were the Western Regional 09:34:55
4	Q	The best of your recollection. 09:31:14	4		VP. 09:34:58
5	A	2004, 2005, maybe. 09:31:16	5		And this is all at MDEA, is that correct? 09:34:59
6	Q	Prior to your becoming EVP of Sales and 09:31:22	6	A	No, that would have been at MCEA, I 09:35:05
7		Marketing for MDEA in 2008, what was your job for 09:31:28	7		believe. 09:35:10
8		Mitsubishi? 09:31:39	8	Q	And what is MCEA? 09:35:14
9	A	I was VP of Sales -- actually SVP of Sales 09:31:40	9	A	Mitsubishi Consumer Electronics America. 09:35:15
10		for MDEA. 09:31:45	10	Q	And is that the predecessor to MDEA? 09:35:18
11	Q	And how long were you SVP of Sales for 09:31:53	11	A	Yes. 09:35:23
12		MDEA? 09:31:56	12	Q	So it's your understanding that MCEA -- 09:35:23
13	A	I don't recall, maybe two years. 09:31:59	13		well, where was MCEA located? 09:35:29
14	Q	So 2006 and before. 09:32:03	14	A	In Norcross, Georgia. 09:35:33
15		And generally, what were your duties -- 09:32:09	15	Q	Did they have an office out here in 09:35:47
16		were your duties and responsibilities as SVP of 09:32:12	16		California? 09:35:50
17		Sales for MDEA different than your duties and 09:32:15	17	A	They were located in California prior to 09:35:50
18		responsibilities as EVP? 09:32:17	18		moving to Norcross, Georgia. 09:35:53
19	A	No, same basic responsibilities, the sales 09:32:19	19	Q	And where were they in California prior to 09:35:56
20		of product. 09:32:22	20		moving to Norcross, Georgia? 09:35:58
21	Q	Sales of product. 09:32:23	21	A	Santa Ana, California. 09:36:01
22		Different title but same general duties? 09:32:25	22	Q	And do you recall when they moved from 09:36:02
23	A	Correct. 09:32:33	23		Santa Ana to Norcross? 09:36:04
24	Q	And before SVP of Sales for MDEA in 2006. 09:32:38	24	A	1994, I think. 09:36:07
25		what was your job role? 09:32:41	25	Q	And how long were they in Norcross? 09:36:12

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1	A	Four years. 09:36:17	1	between. I mean we had many changes in management	09:40:06
2	Q	And then so in 1998, then what happened to 09:36:18	2	during that time period. So it may have been	09:40:11
3		MCEA in Norcross? 09:36:22	3	someone else who came in before Mr. Tachibana. I	09:40:13
4	A	It just ceased to exist. I mean they 09:36:24	4	can't recall. 09:40:26	
5		closed it down. 09:36:27	5	Q And when you were the Western Region VP	09:40:28
6	Q	They closed that facility down? 09:36:28	6	from '95 to 2000, did you have people who reported to	09:40:30
7	A	Yes. 09:36:30	7	you? 09:40:34	
8	Q	And the facility in Santa Ana, did that 09:36:30	8	A Yes. 09:40:35	
9		close in 1994? 09:36:38	9	Q And how many people reported to you during	09:40:35
10	A	I believe so. 09:36:42	10	that period of time? 09:40:37	
11	Q	And when you worked for MCEA, were you 09:36:44	11	A I don't -- I don't recall specifically the	09:40:38
12		located in Georgia? 09:36:51	12	number of people that reported to me. 09:40:40	
13	A	Yes. 09:36:54	13	Q And what were your duties and	09:40:43
14	Q	So you moved to Georgia. 09:36:57	14	responsibilities as the Western Region VP for MCEA	09:40:44
15	A	Yes. 09:36:59	15	from '95 to 2000? 09:40:47	
16	Q	And you indicated that you were the 09:37:01	16	A To sell Mitsubishi consumer electronics	09:40:50
17		Western Regional VP from 1995 to roughly 2000; is 09:37:13	17	products to dealers, who in turn resold them to	09:40:55
18		that correct? 09:37:19	18	consumers. 09:41:01	
19	A	To the best of my recollection, yes. 09:37:20	19	Q And Mitsubishi consumer electronic	09:41:12
20	Q	And who was the Eastern Regional VP at 09:37:23	20	products include what items? 09:41:14	
21		that time for MCEA? 09:37:27	21	A For I believe part of that time, it would	09:41:21
22	A	Howard Borsa. 09:37:29	22	have been color TV, some audio product. And the	09:41:23
23	Q	Could you spell that for me, please. 09:37:36	23	major part of the business was projection TV, 09:41:37	
24	A	Howard is H-O-W-A-R-D and Borsa as in 09:37:39	24	CRT-based projection TV. 09:41:39	
25		B-O-R-S-A 09:37:43	25	Q In 2000 when you became VP of Sales at	09:41:59
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1	Q	And was he also located down in Georgia 09:37:46	1	MDEA, whom did you report to then? 09:42:07	
2		with you? 09:37:48	2	A Mr. Tachibana. 09:42:14	
3	A	Yes. 09:37:48	3	Q And he would have been the president, is	09:42:17
4	Q	And the western region includes what area? 09:37:51	4	that correct? 09:42:19	
5	A	Generally, pretty much everything from the 09:37:58	5	A President and Chairman. He had multiple	09:42:20
6		Mississippi west. 09:38:03	6	titles, I believe. He was operating president, yes. 09:42:23	
7	Q	So from 1995 to 2000 as the Western Region 09:38:16	7	Q Would you have considered him the senior	09:42:28
8		VP in MCEA, whom did you report to? 09:38:21	8	executive of MCEA at that time? 09:42:34	
9	A	The President who was Jack -- hang on a 09:38:29	9	A Yes. 09:42:38	
10		second -- the president, Jack Osborne, but he left 09:38:33	10	Q Excuse me. That would have been MDEA at	09:42:39
11		in 1999, to the best of my recollection. Then I 09:38:37	11	that time, is that correct? 09:42:40	
12		went on to report to the Japanese CEO and Chairman 09:38:43	12	A Yes, to the best of my recollection, yes. 09:42:44	
13		Stitaka Tachibana. 09:38:53	13	Q And did you have -- when you were VP of	09:42:50
14	Q	And Mr. Tachibana, was he an employee of 09:39:12	14	Sales from 2000 to 2006, I believe at MDEA, did you	09:42:53
15		MCEA or MELCO? 09:39:17	15	have salespeople who reported to you? 09:43:01	
16	A	I think he was an employee of MCEA and 09:39:22	16	A Yes. 09:43:03	
17		then became an employee of MDEA. 09:39:25	17	Q And about how many salespeople did you	09:43:04
18	Q	Do you know if he was also an employee of 09:39:32	18	have? 09:43:06	
19		MELCO -- when I refer to "MELCO," that is Mitsubishi 09:39:35	19	A I don't recall the exact number. 09:43:08	
20		Electric Japan? 09:39:38	20	Q Four, five, ten, roughly, your best	09:43:10
21	A	I have no idea. 09:39:41	21	understanding. 09:43:14	
22	Q	But Mr. Tachibana took over as president 09:39:54	22	A Probably 20 -- 20 or so, 20 plus. 09:43:19	
23		of MCEA? 09:39:58	23	Q And were the 20 -- let me back up. 09:43:25	
24	A	I don't recall. I don't recall the 09:40:00	24	In from '95 to 2000 when you were Western	09:43:32
25		exact -- there may have been some other person in 09:40:02	25	Region VP, about how many individuals reported to	09:43:36

11 (Pages 38 - 41)

Page 42			Page 44		
1	you then?	09:43:39	1	Q Did you have a written contract with MCEA	09:46:29
2	Do you recall?	09:43:42	2	for this period of time, the 1995 to 2000, that	09:46:33
3	A About half that many	09:43:44	3	would spell out your compensation as well as your	09:46:36
4	Q About ten?	09:43:45	4	sales goals?	09:46:42
5	A Ten or twelve, something like that	09:43:46	5	A No.	09:46:43
6	Q And were the -- were they all -- were each	09:43:48	6	Q You had no written agreement -- strike	09:46:43
7	of the sales positions that reported to you, were	09:43:51	7	that.	09:46:48
8	they all the same or were they broken up into	09:43:53	8	From 1995 to 2000 as Western Regional VP	09:46:49
9	different categories, OEM's or dealers or something?	09:43:56	9	for MCEA, did you have any written employment	09:46:53
10	A They were all the same. They just called	09:44:03	10	agreement with MCEA?	09:46:57
11	on dealers.	09:44:04	11	A Not that I recall.	09:46:59
12	Q So they were all the selling to dealers,	09:44:05	12	Q But your compensation at MCEA from '95 to	09:47:03
13	the individuals that reported to you from the '95 to	09:44:06	13	2000 was predicated on your achieving certain sales	09:47:14
14	2000 period?	09:44:10	14	goals, is that correct?	09:47:21
15	A They sold to dealers, yes. However, some	09:44:11	15	A That is correct.	09:47:22
16	were retail specialists who called on the actual	09:44:13	16	Q And did it ever come to a time that you --	09:47:23
17	retail stores, had no real sales quota	09:44:17	17	from '95 to 2000 at MCEA that you did not meet your	09:47:26
18	responsibility. Some were sales -- what we called	09:44:21	18	sales goals?	09:47:29
19	account executives who called and were commissioned	09:44:24	19	A Yes.	09:47:31
20	sales personnel. And then I had a couple of	09:44:27	20	Q And what years do you recall were those?	09:47:32
21	regional vice presidents who had some direct reports	09:44:31	21	A I don't recall the specific years. It was	09:47:35
22	in to them, all within that number of people.	09:44:36	22	a very difficult time. Maybe I can explain why.	09:47:37
23	Q All within that roughly ten. So you had	09:44:39	23	Q No, that's okay. Let me ask the questions	09:47:41
24	about --	09:44:41	24	and we will go from there. I think it may be a	09:47:43
25	A Twelve -- maybe ten, twelve people, yes.	09:44:42	25	little easier, but did you -- from 1995 to 2000, did	09:47:46
Page 43			Page 45		
1	Q So you had roughly maybe two or three	09:44:45	1	you ever make your sales goals at MCEA?	09:47:52
2	people who were vice presidents and the others	09:44:47	2	A Yes.	09:47:55
3	reported into them, those two or three.	09:44:50	3	Q Do you recall whether you made your sales	09:48:00
4	Now, all of them reported to you.	09:44:54	4	goals more than you lost your sales -- then you did	09:48:02
5	A That is correct.	09:44:56	5	not make your sales goals from this '95 to 2000	09:48:05
6	Q Besides the President -- from 1995 to 2000	09:45:03	6	period?	09:48:08
7	when you were the Western Region VP, besides the	09:45:08	7	A I don't recall.	09:48:13
8	President, did you report to anybody at Japan?	09:45:11	8	Q So to sum it up, some years you made your	09:48:16
9	A No.	09:45:14	9	sales goals, some years you didn't make your sales	09:48:20
10	Q You didn't report to anyone at MELCO?	09:45:15	10	goals, is that correct?	09:48:23
11	A No.	09:45:18	11	A That's correct.	09:48:24
12	Q Did you report to any other Mitsubishi	09:45:19	12	Q And was the review of your sales goals,	09:48:24
13	entity out there?	09:45:21	13	was that annually or was it done quarterly or, you	09:48:29
14	A No.	09:45:22	14	know, every half -- six months or so?	09:48:33
15	Q And did your compensation at Mitsubishi	09:45:50	15	How was that done?	09:48:37
16	for the -- let's start in the when you were Western	09:46:01	16	A I don't remember.	09:48:43
17	Regional VP from '95 to 2000 at MCEA.	09:46:05	17	Q And from 2000 to 2006 when you were VP of	09:48:51
18	Did your compensation include bonuses for	09:46:08	18	Sales at MDEA, was your salary also predicated on	09:48:56
19	attaining certain sales goals?	09:46:11	19	your meeting certain sales goals?	09:49:04
20	MR. FUENTES. Object to the form.	09:46:14	20	A Yes.	09:49:12
21	THE WITNESS. Yes.	09:46:19	21	Q And when you were VP of Sales at MDEA from	09:49:14
22	BY MR. SAVERI.	09:46:20	22	2000 to 2006, did you have a written employment	09:49:19
23	Q And do you recall what those sales goals	09:46:21	23	agreement with MDEA?	09:49:23
24	were?	09:46:26	24	A Not that I recall.	09:49:26
25	A I am sorry. I do not recall.	09:46:27	25	Q Do you recall what your sales goals were	09:49:28

12 (Pages 42 - 45)

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1 when you were VP of Sales at MDEA from 2000 to 2006? 09:49:31

2 A I don't remember. Sorry. 09:49:38

3 Q Do you recall when you were VP of Sales at 09:49:53

4 MDEA from 2000 to 2006 where you did not make your 09:49:55

5 sales targets, so you didn't receive your full 09:50:02

6 compensation? 09:50:06

7 A Yes, that happened from time to time. 09:50:08

8 Q And why don't we -- and what was your 09:50:15

9 compensation for the Western Regional VP from in 09:50:20

10 1995 for MCEA? 09:50:24

11 A I don't recall exact amount of money. 09:50:27

12 Q Was it over \$100,000? 09:50:30

13 A Yes. 09:50:33

14 Q Was it over \$200,000? 09:50:34

15 MR. FUENTES: Object to the relevance of 09:50:41

16 this. 09:50:42

17 THE WITNESS: Yes. 09:50:53

18 BY MR. SAVERI: 09:50:53

19 Q Was it over \$300,000? 09:50:54

20 A Not that I recall. 09:50:56

21 Q And when you became VP of Sales from MDEA 09:50:58

22 to -- from 2000 to 2006, what was your compensation 09:51:00

23 then? 09:51:05

24 MR. FUENTES: Same objection. 09:51:07

25 THE WITNESS: Similar to prior -- to the 09:51:11

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1 prior program. 09:51:14

2 BY MR. SAVERI: 09:51:15

3 Q Did it after -- I'm sorry. Go ahead. 09:51:15

4 Did you finish? 09:51:19

5 A Yes. 09:51:20

6 Q Did it ever go over \$300,000 during any 09:51:20

7 one of those periods of time? 09:51:23

8 A I don't recall. 09:51:27

9 Q When you say you don't recall, you don't 09:51:31

10 recall it ever occurring or it's more likely than 09:51:34

11 not that it didn't occur? 09:51:39

12 A I just don't recall what the compensation 09:51:40

13 was at that time. Sorry. 09:51:42

14 Q And at none of these times from 1995 to 09:51:47

15 2006 did you ever have a written employment contract 09:51:50

16 with MCEA or MDEA. 09:51:53

17 A Not that I remember. 09:51:57

18 Q You don't recall signing any employment -- 09:51:58

19 A That's correct. 09:52:01

20 Q When you were Western Region VP for MCEA 09:52:24

21 from 1995 to 2000, did you have an E-mail address at 09:52:28

22 Mitsubishi? 09:52:34

23 A Yes. 09:52:36

24 Q And do you recall what your E-mail address 09:52:36

25 was? 09:52:39

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1 A I don't recall. 09:52:41

2 Q Would it be MWassinger@Mitsubishi.com? 09:52:42

3 A Probably something like that. Had to have 09:52:46

4 "Mitsubishi" in there somewhere, yes. 09:52:48

5 Q Do you recall if your E-mail ever changed 09:52:50

6 from when you went from MCEA to MDEA? 09:52:54

7 A I believe my E-mail address at MDEA was 09:52:59

8 MWassinger@MDEA.com, I think. 09:53:04

9 Q And would it have been that all the way up 09:53:09

10 until you took your job as EVP of Sales at MEVSA? 09:53:11

11 A Correct. 09:53:21

12 Q And when you went to MEVSA, did it then 09:53:21

13 change to MWassinger@MEVSA.com? 09:53:24

14 A That is correct. 09:53:29

15 Q And would you have another E-mail address 09:53:30

16 Would you have dual E-mail address at 09:53:31

17 Mitsubishi or was this your only business E-mail 09:53:34

18 address? 09:53:36

19 A That was the only E-mail address -- 09:53:39

20 business E-mail address. 09:53:40

21 Q And when you were at MCEA, do you know if 09:53:42

22 it was MWassinger@MCEA or was it 09:53:46

23 MWassinger@Mitsubishi, if you recall? 09:53:49

24 A I don't recall. I'm sorry. 09:53:52

25 Q And from '95 to 2000, did you have a 09:53:54

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1 personal E-mail account? Yahoo, Gmail or -- 09:54:01

2 A Not that I remember. I don't recall a 09:54:05

3 personal E-mail address at that time. 09:54:07

4 Q At that time. 09:54:09

5 When do you recall getting your -- a 09:54:10

6 personal E-mail account? 09:54:13

7 A Maybe mid 2000's, 2006, 2007, that time 09:54:23

8 period, I am thinking. I am not sure. 09:54:27

9 Q So your recollection is the first time you 09:54:35

10 got an E-mail account would be around 2006, 2007, 09:54:37

11 that was outside of Mitsubishi. 09:54:42

12 A That's correct. 09:54:43

13 Q And is that a Gmail account? 09:54:44

14 A Gmail, yes. 09:54:47

15 Q Now, do you have any other personal E-mail 09:54:48

16 accounts? 09:54:50

17 A No. 09:54:50

18 Q Were you ever asked to look in your 09:54:54

19 personal E-mail account for any documents or E-mails 09:54:58

20 related to this litigation? 09:55:02

21 A No. 09:55:04

22 By the way, I do have other personal 09:55:07

23 addresses but they are Gmail, you know. 09:55:09

24 MaxJW@Gmail.com. 09:55:11

25 Q So you have several Gmail accounts? 09:55:16

Page 50				Page 52			
1	A	I have three Gmail -- three personal Gmail	09:55:19	1	when you became EVP of MEVSA to when you retired in	09:57:53	
2		accounts.	09:55:23	2	2014, is that correct?	09:57:59	
3	Q	And were any of those E-mail accounts ever	09:55:23	3	Would you have had any other E-mail	09:58:02	
4		searched or looked at for any E-mails related to	09:55:27	4	accounts in there?	09:58:03	
5		this litigation?	09:55:32	5	MR. FUENTES: Object; form	09:58:04	
6	A	No.	09:55:33	6	THE WITNESS: No	09:58:05	
7	Q	Do you ever use your personal E-mail	09:55:34	7	BY MR. SAVERI:	09:58:06	
8		accounts for business or communicating with business	09:55:37	8	Q So those would have been it?	09:58:06	
9		executives?	09:55:44	9	A Those are just the business, that is,	09:58:08	
10	A	No, just personal. Just to for	09:55:48	10	anything relating to business	09:58:10	
11		edification, I do use it. I do some consulting from	09:55:58	11	Yes, I had a personal E-mail account, as I	09:58:11	
12		time to time. So I did use it in a consulting	09:56:03	12	told you, like 2005, 2006. I started with Gmail	09:58:13	
13		environment but this is way past the time period	09:56:05	13	account but that was used just for personal, not for	09:58:18	
14		that I -- this is after I left Mitsubishi Electric.	09:56:07	14	business.	09:58:20	
15	Q	That is fair enough. I was just trying to	09:56:11	15	Q Fair enough.	09:58:20	
16		get in to see what E-mails you have and what you use	09:56:13	16	So from when you were Western Regional VP.	09:58:51	
17		for that.	09:56:16	17	from 1995 at MCEA to 2000, did MCEA sell CRT	09:58:55	
18		And, you know, nowadays everybody has 20	09:56:16	18	televisions?	09:59:08	
19		different E-mails in all different types of things.	09:56:21	19	A Yes.	09:59:15	
20		but as far as your recollection, you had your	09:56:23	20	Q So just so I'm clear, and MCEA, Mitsubishi	09:59:21	
21		Mitsubishi business E-mail account that we went	09:56:25	21	Consumer Electronics America, correct?	09:59:24	
22		over, the one at MCEA, the MDEA that you had from	09:56:29	22	A Correct	09:59:28	
23		2000 to when you began as EVP at MEVSA and then you	09:56:33	23	Q Did any other Mitsubishi entity at this	09:59:29	
24		had one at MEVSA, is that correct?	09:56:39	24	time from '95 to 2000 sell CRT televisions in the	09:59:32	
25	A	That's correct.	09:56:42	25	United States?	09:59:37	
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1	Q	But somewhere in 2005, '6 or '7, somewhere	09:56:43	1	A Not that I am aware of.	09:59:39	
2		in the mid 2000's, you began using a Gmail account	09:56:47	2	Q And did MCEA manufacture CRT televisions?	09:59:40	
3		or having a Gmail account for personal?	09:56:50	3	A Yes.	10:00:05	
4	A	That is correct.	09:56:54	4	Q And where did it manufacture televisions?	10:00:06	
5	Q	And you don't recall ever using that Gmail	09:56:54	5	A I believe in Mexicali, Mexico, at the	10:00:10	
6		account to communicate with other individuals	09:56:58	6	factory in Mexicali, Mexico.	10:00:17	
7		regarding any business activity.	09:57:01	7	Q And that would have been from -- we will	10:00:28	
8	A	Never.	09:57:04	8	start -- so when you were Western Region VP for MCEA	10:00:31	
9		MR. FUENTES: Object to the form.	09:57:05	9	in 1995, MCEA sold CRT televisions in the U.S.; is	10:00:37	
10	BY MR. SAVERI:		09:57:06	10	that correct?	10:00:42	
11	Q	But you don't recall --	09:57:06	11	A To the best of my recollection, yes.	10:00:45	
12	A	I don't recall ever doing that.	09:57:07	12	Q Now, the same question for 1996, did they	10:00:47	
13	Q	If it was business, you would have used	09:57:09	13	sell -- MCEA sell CRT televisions in the U.S.?	10:00:50	
14		your Mitsubishi account.	09:57:10	14	A Yes, I believe so.	10:01:01	
15	A	That's correct.	09:57:13	15	Q Same question for 1997, did MCEA sell CRT	10:01:07	
16	Q	During this period of time -- when I say	09:57:14	16	televisions in the U.S.?	10:01:10	
17		"this period of time," the '95 to the -- when you	09:57:17	17	A Yes, I believe so.	10:01:12	
18		left in '13.	09:57:23	18	Q Now, in 1998, did MCEA sell CRT	10:01:14	
19		MR. FUENTES: Object to the form.	09:57:27	19	televisions in the U.S.?	10:01:18	
20		THE WITNESS: Rephrase that question.	09:57:28	20	A To the best of my recollection, that is	10:01:27	
21	BY MR. SAVERI:		09:57:29	21	when we exited the business. In that time period,	10:01:28	
22	Q	Sure, sure.	09:57:29	22	started the exit of the CRT television business. We	10:01:30	
23		And in other words, when you left -- when	09:57:30	23	quit the business.	10:01:33	
24		you -- you would have used your Mitsubishi E-mail	09:57:42	24	Q So from at least from '95 to 1998, MCEA	10:01:35	
25		account from when it was with MCEA to MDEA to then	09:57:47	25	sold CRT televisions in the U.S., correct?	10:01:43	

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1 A To the best of my recollection. 10:01:46

2 Q And after '98 -- so in 1999 -- MCEA did 10:01:48

3 not sell CRT televisions in the U.S. is that 10:01:54

4 correct? 10:01:56

5 A I believe we wound down the business. It 10:02:00

6 was not a profitable business. So we got out of the 10:02:02

7 CRT television business. I am not sure of the exact 10:02:06

8 date. Excuse me 10:02:11

9 Q Right. But in this '98/'99 period, MCEA 10:02:13

10 stopped selling CRT televisions in the U.S. 10:02:16

11 Is that -- 10:02:22

12 A I don't recall the exact date or dates, 10:02:22

13 but it was towards that time period that I believe 10:02:25

14 we got out of the business. 10:02:30

15 Q And when you refer to CRT televisions, 10:02:32

16 this is different than rear projection televisions 10:02:37

17 Is that your understanding? 10:02:41

18 A Yes. 10:02:42

19 Q But Mitsubishi or MCEA was still selling 10:02:42

20 rear projection TV's? 10:02:44

21 A Absolutely. That's where we put all of 10:02:47

22 our resources because of high definition TV was 10:02:50

23 starting to come into its -- you know, into its own 10:02:53

24 and that was an opportunity. There was no 10:02:56

25 opportunity in CRT 10:02:58

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1 MR. SAVERI: Move to strike everything 10:03:01

2 after "yes." 10:03:02

3 MR. FUENTES: Objection to that. 10:03:04

4 BY MR. SAVERI 10:03:05

5 Q And in 1995, do you recall what size CRT 10:03:14

6 televisions MCEA sold? 10:03:19

7 A Boy, 40-inch, 35-inch, 36-inch, 32-inch, 10:03:28

8 27-inch. That's all that I recall. 10:03:44

9 Q Did it sell a 20-inch? 10:03:51

10 A Possibly. 10:03:55

11 Q Did it sell a 13-inch television, CRT 10:03:55

12 television? 10:03:58

13 A I am not sure what year we stopped making 10:03:59

14 13-inch. Again, not profitable. 10:04:01

15 Q And a 31-inch, do you recall? 10:04:04

16 A Possibly. 10:04:06

17 Q And it's your understanding that all of 10:04:07

18 these televisions came from Mexicali, Mexico? 10:04:11

19 A That factory in Mexicali, I believe, 10:04:19

20 opened in either 1996 or 1997. 10:04:21

21 Q And before that, where would the 10:04:29

22 televisions have come from? 10:04:31

23 A I have no idea. 10:04:33

24 Q You don't know if they came from Japan? 10:04:35

25 A I don't know. 10:04:37

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1 Q But the facility in Mexicali, that was 10:04:38

2 MCEA -- that was a division or subsidiary of MCEA? 10:04:44

3 A I don't recall. 10:04:50

4 Q But you're not aware of any other place 10:04:52

5 besides Mexicali that MCEA from this '95 to '98/'99 10:04:54

6 period manufactured CRT televisions? 10:05:01

7 A No, I don't know. I don't recall. 10:05:06

8 Q So from this '95 to '98/'99 period when 10:05:48

9 MCEA sold CRT televisions in the U.S. to dealers and 10:05:53

10 retailers and customers, you're not aware of any 10:06:03

11 other Mitsubishi entity selling CRT televisions to 10:06:05

12 those customers. 10:06:10

13 A No. 10:06:11

14 Q Or to any customers in the U.S. 10:06:12

15 A That is correct. 10:06:15

16 Q So from this period of time, if a 10:06:16

17 Mitsubishi CRT television was purchased from any 10:06:20

18 Mitsubishi entity in from '95 to 2000, that would 10:06:27

19 have been MCEA. 10:06:31

20 A To the best of my recollection, yes. 10:06:34

21 Q In 1995 when you were Western Regional VP., 10:06:59

22 who were your top customers, if you recall? 10:07:02

23 A At that time, they would have been 10:07:10

24 regional accounts, people like Conn's, P.C. Richard, 10:07:14

25 Paul's TV in Los Angeles, hhgregg, those type of 10:07:27

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1 accounts. These are regional accounts 10:07:42

2 Q And just so I'm clear, when you said your 10:07:46

3 top accounts, these would be your top accounts for 10:07:49

4 CRT televisions from the '95 to -- in 1995. 10:07:51

5 A Yes. 10:07:59

6 Q And if I ask you the same question for who 10:08:03

7 were your top accounts in 1996, would you give the 10:08:05

8 same answer? 10:08:08

9 A Yes. 10:08:09

10 Q Was Walmart a customer of yours? 10:08:09

11 A No. 10:08:12

12 Q You didn't -- MCEA did not sell to 10:08:13

13 Walmart? 10:08:16

14 A Absolutely not. 10:08:17

15 Q Did MCEA sell to Circuit City from this 10:08:19

16 '95 to 1999 period? 10:08:27

17 A I am not sure when we stopped doing 10:08:31

18 business with Circuit City. We used to sell Circuit 10:08:34

19 City in the 80's and early 90's, but I'm not sure 10:08:36

20 when we stopped selling Circuit City -- or excuse 10:08:41

21 me -- when they quit carrying Mitsubishi. It's a 10:08:44

22 different -- they stopped carrying Mitsubishi 10:08:47

23 televisions. 10:08:50

24 Q And from 1995 to this 1998/'99, did MCEA 10:08:51

25 sell to Best Buy, CRT televisions? 10:08:58

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Page 58			Page 60		
1	A	No, not that I recall. 10:09:04	1	BY MR. SAVERI:	10:11:30
2	Q	Did you from 1995 to this '99 -- '98/'99 10:09:11	2	Q	I am just asking for your best 10:11:31
3		period, did you sell to the Good Guys? 10:09:18	3		recollection sitting here today looking back over 10:11:33
4	A	Yes. 10:09:21	4		your history here at Mitsubishi. 10:11:35
5	Q	CRT televisions? 10:09:22	5	A	Are you talking about Mitsubishi sales? 10:11:38
6	A	Excuse me. 10:09:23	6	Q	No, sales of when you were -- for MCEA, if 10:11:40
7		Yes, we did sell to Good Guys. That's one 10:09:23	7		you recall, for sales in 1995 of CRT televisions. 10:11:43
8		I forgot to tell you. 10:09:26	8	MR. FUENTES:	Same objection. 10:11:49
9	Q	And would that have been a large account? 10:09:27	9	THE WITNESS:	I don't recall. I don't 10:11:50
10	A	Yes. 10:09:29	10		remember the number. 10:11:52
11	Q	Did you sell to Tweeter? 10:09:30	11	BY MR. SAVERI:	10:11:53
12	A	Yes. 10:09:32	12	Q	Do you recall what your western region 10:11:54
13	Q	During that same period of time? 10:09:33	13		sales numbers was in 1995, your best recollection? 10:11:55
14	A	That's correct. 10:09:35	14	MR. FUENTES:	Same objection. 10:11:59
15	Q	CRT televisions. All of these 10:09:36	15	THE WITNESS:	I'm sorry. I don't recall 10:12:01
16		questions -- pardon me. 10:09:39	16		I can't give you a number that I would feel 10:12:02
17		All of these questions at that time when I 10:09:40	17		comfortable giving you. 10:12:07
18		am saying "sell to" are referring to CRT 10:09:42	18	BY MR. SAVERI:	10:12:08
19		televisions. 10:09:45	19	Q	Would it have been over \$500 million? 10:12:09
20		Is that what you understood? 10:09:46	20	MR. FUENTES:	Same objection. 10:12:12
21	A	Yes. 10:09:47	21	THE WITNESS:	I don't think so, no. 10:12:15
22	Q	Did you sell to Sun Television during this 10:09:49	22	BY MR. SAVERI:	10:12:16
23		period of time from '95 to 1998/'99 CRT televisions? 10:09:52	23	Q	Would it have been over \$250 million? 10:12:17
24	A	Yes, I believe we did. 10:10:02	24	A	Again, I am just -- this is strictly -- 10:12:20
25	Q	Did you sell CRT televisions during this 10:10:03	25		you know, you are pushing me for a number and I 10:12:22
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1		period of time to Malloy Enterprises? 10:10:05	1		don't feel comfortable giving you a number because I 10:12:26
2	A	Yes. 10:10:10	2		don't know the number, not even the range of the 10:12:29
3	Q	And I believe you mentioned Gregg 10:10:11	3		number. 10:12:31
4		Appliances. 10:10:12	4	Q	I just want to get your best recollection 10:12:31
5	A	Hhgregg. 10:10:13	5		because we are just trying to figure out what the 10:12:33
6	Q	Hhgregg. 10:10:15	6		sales numbers were. And you were the Western Region 10:12:35
7		And all of those would have been 10:10:16	7		Vice President. And so I'm just trying to see if 10:12:37
8		significant accounts? 10:10:17	8		you recall what -- for that year, you indicated that 10:12:39
9	MR. FUENTES:	Objection; form. 10:10:20	9		your compensation was based on meeting certain sales 10:12:42
10	THE WITNESS:	Yes, good accounts. 10:10:22	10		goals and you have indicated that some years you 10:12:45
11	BY MR. SAVERI:	10:10:24	11		didn't hit them and some years you did hit them. So 10:12:48
12	Q	When you were -- do you recall -- strike 10:10:38	12		if you are not getting paid, sometimes the number of 10:12:52
13		that. 10:10:46	13		what the sales are stick in your head. So I am just 10:12:54
14		When you were Western Regional VP in 1995, 10:10:52	14		trying to narrow down that. 10:12:58
15		do you recall in units or dollars the total sales of 10:10:58	15		So that was a little bit of a recap and a 10:13:00
16		CRT televisions in the U.S. in 1995? 10:11:04	16		speech there, but my question is do you have a best 10:13:03
17	A	I do not. 10:11:10	17		recollection for 1995 what the total sales of CRT 10:13:06
18	Q	What is your best understanding? What is 10:11:12	18		televisions were. 10:13:12
19		your best recollection of what the total units or 10:11:15	19	A	I do not. 10:13:13
20		dollars would have been in 1995? 10:11:19	20	MR. FUENTES:	Objection; form. 10:13:14
21	A	I'm sorry. I just don't remember. 10:11:23	21		argumentative, calls for speculation, asked and 10:13:15
22	Q	Would it have been over \$500 million? 10:11:24	22		answered 10:13:21
23	MR. FUENTES:	Objection; calls for 10:11:29	23	BY MR. SAVERI:	10:13:21
24		speculation. 10:11:29	24	Q	Go ahead 10:13:21
25			25	A	I can't recall 10:13:23

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1 Q And what about for 1996, would you give me 10:13:25
2 the same answer? 10:13:31
3 MR. FUENTES: Objection. 10:13:32
4 Rick, could I have maybe a standing 10:13:33
5 objection? 10:13:35
6 MR. SAVERI: You can have the standing 10:13:35
7 objections. 10:13:37
8 MR. FUENTES: That way, I don't interrupt 10:13:37
9 you. 10:13:39
10 MR. SAVERI: I am just asking if he 10:13:39
11 recalls. 10:13:40
12 BY MR. SAVERI: 10:13:42
13 Q Mr. Wasinger, do you recall when you were 10:13:42
14 Western Regional VP what MCEA CRT television sales 10:13:43
15 in units or dollars were in 1996? 10:13:48
16 MR. FUENTES: And are you okay with my 10:13:50
17 having a standing objection? 10:13:52
18 MR. SAVERI: I am okay with that. 10:13:54
19 MR. FUENTES: I am not trying to use your 10:13:55
20 time. 10:13:56
21 MR. SAVERI: I understand, I understand. 10:13:57
22 THE WITNESS: I don't recall. 10:13:58
23 BY MR. SAVERI: 10:13:59
24 Q And you don't recall if it was over 10:14:02
25 \$200 million? 10:14:05

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1 A I am sorry. I just don't recall the 10:14:09
2 number. 10:14:12
3 Q And do you recall for 1997 what the CRT 10:14:13
4 sales would have been for MCEA in the U.S. when you 10:14:19
5 were Western Regional VP? 10:14:23
6 A I am sorry. I don't. I don't recall. 10:14:25
7 Q You don't recall whether it was over a 10:14:28
8 hundred million dollars? 10:14:30
9 A I am sorry. I don't recall. And the 10:14:36
10 reason I don't recall is because this was a very -- 10:14:38
11 very challenging time period as we were moving away 10:14:41
12 from CRT to projection TV. All the emphasis, all 10:14:45
13 the resources, all the push was for projection TV 10:14:50
14 because we saw the coming of high definition TV and 10:14:57
15 projection TV was perfect for high definition TV 10:15:01
16 CRT business was commoditizing. 10:15:06
17 Mitsubishi Electric, when businesses commoditize, 10:15:08
18 they run away. They're just not good at fighting in 10:15:11
19 a commodity business. 10:15:14
20 That was my experience of Mitsubishi TV. 10:15:15
21 That's why this is kind of frustrating for me. It's 10:15:17
22 a dark, dark period in my life. 10:15:21
23 Q Thank you, but when you say 10:15:23
24 "commoditizing," are you saying that CRT 10:15:24
25 televisions -- that it's hard to differentiate 10:15:27

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1 between one brand and other brand. 10:15:29
2 Is that it? 10:15:31
3 A Yes, Mitsubishi is a -- was a kind of a 10:15:32
4 value-add brand. It was a brand that people aspired 10:15:38
5 to have to have to sell a great brand cache and that 10:15:41
6 doesn't mix well with commodity product. So we 10:15:46
7 moved away from commodity products. 10:15:49
8 I tried to push it as swiftly as possible. 10:15:51
9 no future for a commodity products for a company 10:15:54
10 like Mitsubishi. 10:15:59
11 Q When you refer to "commodity products," 10:16:00
12 are you referring to CRT televisions as a commodity 10:16:02
13 product? 10:16:05
14 A At that time, it was a commodity product 10:16:05
15 just like LED is today. 10:16:07
16 Q And in that time when you say in '95 to 10:16:09
17 when you got out of it in '98/'99 when you were at 10:16:13
18 MCEA. 10:16:17
19 A Correct. 10:16:18
20 Q Just to stay on this sales topic a little 10:16:38
21 bit, when you were at MC -- when you were Western 10:16:42
22 Regional -- strike that. 10:16:47
23 When you were Western Regional VP in 1995 10:16:47
24 at MCEA, did you keep track of sales in any way? 10:16:51
25 A I am sure that we did but I don't recall 10:17:00

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1 the numbers. I am sorry. 10:17:02
2 Q I'm not asking for the numbers. I am just 10:17:03
3 asking now for the method 10:17:05
4 Did you have monthly reports of sales? 10:17:07
5 A Yes. 10:17:10
6 Q And were those paper reports or 10:17:11
7 electronic? 10:17:14
8 A Paper reports, that I recall. 10:17:15
9 Q And did you have quarterly reports of 10:17:16
10 sales of CRT's during this period of time from '95 10:17:18
11 to '98? 10:17:21
12 A Yes. That is just the aggregate of the 10:17:24
13 three months prior. 10:17:26
14 Q But you did have a report. Is that it? 10:17:27
15 A Yes. 10:17:30
16 Q Is there a certain name for this report 10:17:30
17 that would come out on -- wait 10:17:32
18 Just so I make the record clear, we were 10:17:36
19 first talking about monthly reports for sales; is 10:17:38
20 that correct? 10:17:41
21 A Yes. 10:17:41
22 Q And is there a certain name for the 10:17:43
23 monthly report of sales of CRT's that would be 10:17:44
24 generated? 10:17:47
25 A Not that I remember. 10:17:49

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1	Q Just sales report.	10:17:50	1	reports have units and revenue and by account or top	10:20:08
2	A Yes.	10:17:52	2	accounts or by region? Or how were they?	10:20:15
3	Q And were you responsible for generating	10:17:52	3	A They were sorted by account and also	10:20:18
4	the monthly report for your -- when you were Western	10:17:57	4	sorted, you know, by region and then sorted in	10:20:21
5	Regional VP for your group?	10:18:00	5	aggregate	10:20:28
6	A No, I had a business manager that	10:18:04	6	Q And you did do a -- and Mike Stapleton did	10:20:28
7	assisted.	10:18:06	7	prepare an annual report, if you recall?	10:20:33
8	Q And who was that business manager in 1995,	10:18:07	8	A I don't recall specifically that there was	10:20:40
9	if you recall?	10:18:09	9	an annual report. It was ongoing month after month	10:20:41
10	A I believe it was Mike Stapleton.	10:18:10	10	after month. And then, of course, at the end of the	10:20:44
11	Q And so Mr. Stapleton's job was to prepare	10:18:13	11	year, you would see how you did for the year, but no	10:20:46
12	the monthly sales report for you and your team?	10:18:17	12	specific annual report, per se, that I think ever.	10:20:50
13	A Yes.	10:18:21	13	Q And you said you got these in hard paper.	10:20:52
14	Q And would you have -- and would	10:18:22	14	You didn't get them electronically?	10:20:55
15	Mr. Stapleton then also prepare a quarterly report	10:18:26	15	A I believe at that time, it was hard paper.	10:20:57
16	for you and your team?	10:18:30	16	Q And you would store them in your office;	10:21:02
17	A Yes.	10:18:33	17	is that correct?	10:21:04
18	Q And is there a certain name or refer to	10:18:34	18	A To the best of my recollection.	10:21:05
19	that report, if you recall?	10:18:37	19	Q And would everybody on your sales team get	10:21:06
20	A Just I don't recall a specific name.	10:18:39	20	a copy?	10:21:08
21	Q And would you prepare an annual report of	10:18:41	21	A No.	10:21:09
22	your sales and your -- for CRT televisions in this	10:18:44	22	Q Who would get a copy of the sales reports?	10:21:09
23	'95 to '98 period?	10:18:48	23	A Just myself and the president.	10:21:13
24	MR. FUENTES: Objection, form	10:18:51	24	Mr. Osborne, at that time and Mike Stapleton as the	10:21:17
25	THE WITNESS: Well, yes, it would just be	10:18:53	25	business manager We had a pretty flat	10:21:24
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1	the aggregate of each other and each quarter.	10:18:54	1	organization, pretty small organization. So it was	10:21:26
2	BY MR. SAVERI.	10:18:57	2	pretty confined.	10:21:28
3	Q But was there a certain name to it or was	10:18:58	3	Q And were you all located in the same	10:21:29
4	there an annual report?	10:19:00	4	building or headquarters?	10:21:31
5	A Once again, I don't recall the specific	10:19:01	5	A Yes, yes.	10:21:34
6	name, just sales report.	10:19:04	6	Q And did you ever send -- do you know if	10:21:44
7	Q And when you received these reports, where	10:19:06	7	any of these sales reports ever went out to storage?	10:21:47
8	did you keep them?	10:19:10	8	A Not that I recall.	10:21:53
9	A Well, I would keep them in my office and	10:19:13	9	Q Do you recall at this period of time	10:21:54
10	then just destroy them periodically because I had no	10:19:15	10	whether MCEA used an off-site storage facility?	10:21:56
11	need to keep carrying them over year after year and	10:19:18	11	A I don't remember.	10:22:01
12	building a huge file of reports. So I just would	10:19:21	12	Q Did you have periodic meetings with your	10:22:11
13	keep them for a time period and then destroy them	10:19:25	13	sales staff from this 1995 to 1998 period regarding	10:22:13
14	Q And was it Mr. Stapleton, 0was he the one	10:19:27	14	CRT televisions?	10:22:18
15	who prepared the reports during this entire period	10:19:37	15	A Not that I recall. No specific meetings	10:22:22
16	of time these sales --	10:19:40	16	about CRT televisions, no.	10:22:24
17	A From '95 -- from 1995 to 1999 or 2000?	10:19:41	17	Q But did you have weekly sales meetings?	10:22:25
18	Q Yeah.	10:19:45	18	A No.	10:22:30
19	A Yes, Mike Stapleton, I believe, is the	10:19:46	19	Q Did you have quarterly sales meetings with	10:22:32
20	person who I think so, yes	10:19:49	20	your staff from this 1995 to '98 period?	10:22:34
21	Q And would he do an analysis of these -- of	10:19:51	21	A Yes, yes, we would have periodic meetings.	10:22:41
22	the sales in his reports to you?	10:19:54	22	They weren't maybe every quarter but we had an	10:22:44
23	A Just sales against quota, sales against	10:20:00	23	annual sales meeting. And then we, of course,	10:22:47
24	our goal and how we performed.	10:20:03	24	communicated every day about business.	10:22:50
25	Q And would this -- would these sales	10:20:06	25	Q So you recall that there was an annual	10:22:55

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1	sales meeting but then you would have periodic sales	10:22:58	1	show in Japan. It's in September, I believe,	10:25:33
2	meetings as needed.	10:23:01	2	generally.	10:25:34
3	Is that it?	10:23:02	3	Q Is that in Tokyo?	10:25:35
4	A Correct.	10:23:03	4	A Or October, yes.	10:25:37
5	Q And the annual sales meeting, was there a	10:23:03	5	Q So you would -- you would attend meetings	10:25:42
6	certain day or month that that was held?	10:23:06	6	in Japan just generally once a year around this	10:25:44
7	A Generally -- generally in the first	10:23:14	7	trade association J-Tech in Tokyo?	10:25:48
8	quarter of the year	10:23:20	8	A Correct.	10:25:51
9	Q So in the January, February, March period	10:23:22	9	Q And what was the purpose of the annual	10:25:51
10	of time?	10:23:25	10	meeting in Japan?	10:25:53
11	A Correct.	10:23:26	11	A Well, as Western Regional Sales, I did	10:25:55
12	Q And was there an agenda prepared for that,	10:23:26	12	not -- this is later on. This is when I became VP	10:25:58
13	meeting?	10:23:30	13	of Sales. So I need to get the timing correct here,	10:26:01
14	A Yes, the meeting was primary to introduce	10:23:30	14	This is the time period you are talking	10:26:04
15	the new product line that would be forthcoming or to	10:23:41	15	about, when I was Western Regional, I did not go to	10:26:07
16	discuss what products we would be introducing or had	10:23:44	16	Japan. This is after I became VP of Sales, I	10:26:09
17	planned to introduce.	10:23:50	17	started going to Japan.	10:26:12
18	Q Did you go over any of the previous sales	10:23:50	18	Q So fair enough.	10:26:13
19	or sales targets in that meeting?	10:23:55	19	So once you became VP of Sales in 2000,	10:26:14
20	A I don't recall doing that.	10:24:00	20	then you started attending meetings in Japan.	10:26:16
21	Q Did you prepare the agenda?	10:24:04	21	A Yeah, J-Tech.	10:26:20
22	A I had input in it. I participated in the	10:24:08	22	Q J-Tech. And you only recall going once a	10:26:21
23	preparation of it.	10:24:12	23	year?	10:26:24
24	Q And did you keep copies of those agendas?	10:24:13	24	A Generally. If I went twice a year, it was	10:26:25
25	A I did not.	10:24:16	25	unusual. To the best of my recollection, just once	10:26:27
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1	Q Would you take notes of those meetings?	10:24:17	1	a year, around that.	10:26:29
2	A I don't recall. This is 1995, you are	10:24:22	2	Q Fair enough.	10:26:34
3	talking about.	10:24:25	3	And that continued on until you left	10:26:34
4	Q 1995 to 1998, yes. I realize that.	10:24:26	4	MEVSA. I believe it was.	10:26:39
5	So you don't recall taking notes?	10:24:29	5	A That's correct.	10:26:40
6	A That's correct.	10:24:32	6	Q And when you had these meetings, the	10:26:41
7	Q Did you -- would your -- would the	10:24:33	7	annual meetings in '95 to this '99 period, did	10:26:53
8	president attend this meeting?	10:24:36	8	somebody keep a written report of the meeting?	10:26:58
9	A Yes.	10:24:38	9	A Not that I recall. I don't remember. I	10:27:03
10	Q Would anybody from Japan attend this	10:24:39	10	mean people took individual notes. I am sure, but I	10:27:08
11	annual meeting?	10:24:42	11	don't recall anyone taking minutes, per se, or any	10:27:11
12	A Sometimes they would attend. Primarily,	10:24:44	12	notes.	10:27:13
13	engineering. Remember, we are talking about the new	10:24:46	13	Q Did anybody keep formal notes of the	10:27:14
14	product introduction.	10:24:49	14	meeting and then circulate them to the group or	10:27:16
15	Q But you would never have marketing and	10:24:50	15	something like that?	10:27:18
16	salespeople from MELCO attend these meetings?	10:24:56	16	A Not that I remember.	10:27:19
17	A Not that I recall.	10:25:00	17	Q But individuals would keep their own	10:27:20
18	Q During this period of time, did you ever	10:25:00	18	personal notes or take them if they wanted?	10:27:23
19	attend marketing and sales meetings in Japan?	10:25:02	19	A Yes.	10:27:28
20	A I would go to Japan annually at least once	10:25:11	20	MR. SAVERI. We have been going about an	10:27:37
21	a year. And it was about right around the Japanese	10:25:15	21	hour and a half. You want to take five, ten and	10:27:39
22	consumer electronics show.	10:25:20	22	then --	10:27:41
23	Q And what is the name of the Japanese	10:25:21	23	MR. FUENTES. Fine by us.	10:27:43
24	consumer electronics show?	10:25:23	24	BY MR. SAVERI.	10:27:44
25	A J-Tec or JCES, just a consumer electronics	10:25:28	25	Q Is that okay, Mr. Wasinger?	10:27:45

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1	A	Yes. 10:27:46	1	the system and somehow the televisions would get	10:49:18
2	Q	Why don't we take a restroom break and 10:27:47	2	delivered to Tweeter, is that correct?	10:49:21
3		come back in ten minutes. 10:27:50	3	A That's correct. 10:49:23	
4	A	Perfect. 10:27:55	4	Q And you don't know whether your people -- 10:49:23	
5	Q	Thank you. 10:27:55	5	when I say "your people," MCEA -- delivered the 10:49:25	
6	THE VIDEOGRAPHER:	Off the record at 10:27:56	6	televisions or whether it came from a factory or 10:49:30	
7	10:27 a.m.	10:27:57	7	some other Mitsubishi entity. 10:49:32	
8	(Off the record.)	10:28:00	8	A I don't know where they came from. I just 10:49:34	
9	THE VIDEOGRAPHER:	Back on the record at 10:47:03	9	know they were -- they were shipped. And then, of 10:49:36	
10	10:47 a.m.	10:47:04	10	course, we billed them and then we got paid for the 10:49:38	
11	BY MR. SAVERI:	10:47:06	11	product. 10:49:42	
12	Q	Mr. Wasinger, I just want to ask a few 10:47:11	12	Q But you would bill them and the money from 10:49:42	
13		more questions in the area that we were talking 10:47:13	13	for this example, this Tweeter account, would go to 10:49:44	
14		about before we took a break there. 10:47:15	14	MCEA, your group. 10:49:47	
15		We had a discussion about CRT televisions 10:47:21	15	A That's my understanding from what I 10:49:50	
16		I believe being made in Mexicali during this period 10:47:27	16	recall. 10:49:53	
17		of time from this '95 to 1998 period. 10:47:30	17	Q And I apologize, but do you know if MCEA, 10:49:53	
18		Do you recall that? 10:47:34	18	if Norcross -- did you inventory or -- excuse me -- 10:49:56	
19	A	Yes, but I think the dates might be a 10:47:35	19	inventory, warehouse, CRT televisions there, 10:50:00	
20		little bit off only because I don't think that 10:47:38	20	product? 10:50:05	
21		factory was completed in '95. I think it was built 10:47:40	21	A I don't recall. We may have had a small 10:50:11	
22		after that time period. So the factory did not come 10:47:42	22	warehouse but I think that was for maybe parts, but 10:50:12	
23		up and running until maybe '96 or -- '96, '97. I am 10:47:46	23	I don't recall. Sorry. 10:50:16	
24		not sure. 10:47:51	24	Q You think that may be like replacement 10:50:18	
25	Q	Right. 10:47:52	25	parts or things? 10:50:21	
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1		And before the Mexicali plant came online, 10:47:52	1	A Possibly, possibly. 10:50:22	
2		so to speak, do you recall where CRT televisions 10:47:59	2	Q So is it -- if somebody -- if Tweeter had 10:50:29	
3		were made for MCEA? 10:48:03	3	to return a broken product, where would they return 10:50:33	
4	A	I do not. 10:48:05	4	it? To MCEA, to you? 10:50:36	
5	Q	Do you recall whether they made them or 10:48:06	5	A Yes, that's my -- my recollection. 10:50:39	
6		whether they got them from another Mitsubishi 10:48:07	6	Q So just so I'm clear, so your 10:50:43	
7		entity? 10:48:11	7	understanding is that you guys would take the order 10:50:45	
8	A	I don't remember. 10:48:13	8	with the accounts but the actual televisions, you 10:50:49	
9	Q	And just to help out on a little bit of 10:48:15	9	don't really recall where they would come from or 10:50:53	
10		the mechanics, so to speak. So if you -- I think 10:48:19	10	what Mitsubishi entity would deliver them to the 10:50:56	
11		you indicated that you -- Tweeter was an account of 10:48:21	11	account. 10:50:59	
12		yours, is that correct? 10:48:25	12	A That is correct. 10:51:02	
13	A	That is correct. 10:48:26	13	Q We also -- before the break, we also had a 10:51:17	
14	Q	And so if you were selling CRT televisions 10:48:27	14	little discussion about these sales reports. There 10:51:19	
15		to Tweeter and they made an order, did you, MCEA, 10:48:31	15	was -- we talked about the monthly report and 10:51:24	
16		deliver the TV's or did they come from the factory? 10:48:39	16	quarterly and that there was an annual report. 10:51:25	
17	A	I don't remember whether we had -- whether 10:48:49	17	And I believe we also had a discussion 10:51:28	
18		we delivered them directly or whether the factory 10:48:51	18	there was a annual sales meeting, isn't that 10:51:30	
19		delivered this. I sorry. I don't recall where they 10:48:54	19	correct? 10:51:33	
20		came from. I just know the orders were put into the 10:48:56	20	A Yes. 10:51:33	
21		system and then the orders were shipped. 10:48:59	21	Q And so this '95 to '98/'99 period of time 10:51:34	
22	Q	So but your people, whether it would be 10:49:01	22	when you were Western Regional VP? 10:51:39	
23		you or your sales staff, in this '95 to '98, they 10:49:02	23	A That is correct. 10:51:43	
24		would go talk with Tweeter and Tweeter would order 10:49:05	24	Q And you may have stated it, but who was 10:51:43	
25		some CRT televisions and your staff would put it in 10:49:09	25	the Eastern Regional VP at this time from '95 to 10:51:46	

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1	'98? 10:51:50	1	Q Besides this annual -- these sales 10:53:52
2	A It may have been '96 to '98, but in that 10:51:51	2	reports, did you prepare any other reports on sales 10:53:54
3	time period, it was Howard Borsa 10:51:53	3	during this '95 to 1999 period? 10:54:01
4	Q Howard Borsa. That's right. 10:51:56	4	A Not that I recall. 10:54:06
5	And before Howard, do you recall who it 10:52:00	5	Q Do you recall receiving any other types of 10:54:07
6	was? 10:52:02	6	reports during this '95 to '99 period? 10:54:11
7	A Well, the Vice President of Sales was a 10:52:04	7	A No, I don't recall receiving any other 10:54:16
8	guy by the name of Jim Bennison 10:52:10	8	reports other than sales reports. 10:54:18
9	Q For the eastern or both regions? 10:52:14	9	Q Do you recall receiving any financial 10:54:20
10	A For both 10:52:16	10	reports, profit and loss income statements, cash 10:54:22
11	Q And then they split in '95, roughly? 10:52:17	11	flow statements, any of those types of reports? 10:54:26
12	A Yeah, that time period when the new guy 10:52:20	12	A I don't recall. I don't remember. I was 10:54:29
13	came in. 10:52:22	13	specifically focused on sales. 10:54:30
14	Q So it was then you and Howard. You had 10:52:23	14	Q You were a sales and a revenue guy trying 10:54:32
15	the west and Howard had the east? 10:52:26	15	to sell product. 10:54:36
16	A That is correct. 10:52:28	16	A Top line. 10:54:37
17	Q Up until about 2000. Is that it? 10:52:28	17	Q Top line. Got it. 10:54:38
18	A '99, I think, probably is more appropriate 10:52:31	18	Do you ever recall during this '95 to '99 10:54:40
19	guessing. Again, I don't recall the specific dates. 10:52:38	19	period being audited by any outside auditor like a 10:54:43
20	Q Your best recollection, '99? 10:52:40	20	KPMG or Price Waterhouse or any of those type of 10:54:48
21	A '99-ish. 10:52:42	21	people? 10:54:52
22	Q And do you recall whether the western 10:52:50	22	A I don't remember. I don't recall. 10:54:53
23	region had more sales than the eastern region or 10:52:52	23	Q In other words, would somebody else have 10:54:55
24	roughly -- I mean to the best of your recollection. 10:52:54	24	come in and looked at all the sales records for the 10:54:56
25	We are trying to get a handle on sales there. There 10:52:56	25	financials? And maybe there is copies of things 10:54:59
Page 79		Page 81	
1	is no secret on that. We are trying to see how 10:53:00	1	there. So we are just trying to get a handle on it. 10:55:01
2	much -- how many of these units you sold. 10:53:03	2	A Not that I recall. 10:55:04
3	So the question is were the regions about 10:53:04	3	Q You don't recall any outside auditors? 10:55:05
4	equal in unit or dollars or did you have a larger 10:53:06	4	A No, no one. I spent most of my time 10:55:07
5	region? 10:53:09	5	outside. 10:55:10
6	MR. FUENTES: Object to form vague calls 10:53:10	6	Q Fair enough. 10:55:10
7	for speculation. 10:53:12	7	Do you remember receiving any financial 10:55:16
8	BY MR. SAVERI 10:53:13	8	statements, though, any cash flow, profit and loss 10:55:18
9	Q Do you understand my question? 10:53:13	9	income statements or anything like that? 10:55:21
10	A I understand your question but I don't 10:53:16	10	A I don't remember receiving any reports 10:55:23
11	have a specific answer for you. I would speculate, 10:53:18	11	like that. 10:55:24
12	I would guess, about the same. 10:53:22	12	Q Of MCEA during this period of time? 10:55:25
13	Q So your best recollection is that they're 10:53:25	13	A I don't remember. 10:55:29
14	about the same, sitting here today? 10:53:28	14	Q All right. Let's do -- so I'm going to 10:55:34
15	MR. FUENTES: Object to form, calls for 10:53:30	15	mark the next exhibit. 10:55:43
16	speculation, calls for guessing. 10:53:31	16	(Plaintiff's Exhibit 8300 was marked for 10:55:45
17	BY MR. SAVERI 10:53:34	17	identification by the court reporter and 10:55:45
18	Q No, your best recollection, your best 10:53:34	18	is attached hereto.) 10:55:45
19	understanding. 10:53:36	19	BY MR. SAVERI. 10:56:09
20	A My best guess? 10:53:37	20	Q Just for the record, so the court reporter 10:56:10
21	Q I don't want a guess. We're not here to 10:53:39	21	has now handed you what has been designated 10:56:13
22	guess. Your best understanding, your best 10:53:41	22	Exhibit 8300 and it bears the Bates numbers 10:56:18
23	recollection. 10:53:44	23	ME00148290 through ME00148308. 10:56:22
24	They're about the same? 10:53:45	24	Mr. Wasinger, would you, please, just take 10:56:37
25	A About the same. 10:53:46	25	a look at this. And then when you are done, I will 10:56:38

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Page 82			Page 84		
1	ask you a few questions on it	10:56:41	1	the life of the principal documents which	10:59:48
2	A Okay	10:57:36	2	it supports."	10:59:50
3	Q Mr. Wasinger, have you seen this document	10:57:37	3	Do you see that?	10:59:51
4	before?	10:57:39	4	A Yes	10:59:52
5	A I don't recall ever seeing this document	10:57:40	5	Q And then it continues,	10:59:52
6	I don't remember	10:57:42	6	"... letters pertaining to intellectual	10:59:54
7	Q Do you ever recall receiving -- just for	10:57:43	7	property rights and licenses, bills of	10:59:57
8	the record, the document states at the top "Document	10:57:45	8	sale, contract, et cetera."	11:00:01
9	Retention Policy "	10:57:48	9	During this '95 to '99 period, did it ever	11:00:03
10	Do you ever recall seeing any document	10:57:53	10	come to your attention that bills of sale, you were	11:00:10
11	similar to this?	10:57:55	11	supposed to maintain permanently?	11:00:12
12	A I don't recall seeing	10:57:56	12	A Not that I remember	11:00:15
13	Q And it says "Effective Date" -- you see	10:57:57	13	Q And that,	11:00:18
14	that at the top -- "02/01/93"?	10:58:01	14	"... letters of agreement and memos of	11:00:19
15	A Yes	10:58:04	15	understanding or which otherwise are	11:00:21
16	Q And then it says "Revised 09/01/99 "	10:58:05	16	important in explaining and interpreting	11:00:24
17	Do you see that?	10:58:08	17	contractual terms and conditions."	11:00:27
18	A Yes	10:58:09	18	A Not that I remember	11:00:30
19	Q And at the top, it says "Mitsubishi	10:58:09	19	Q And then the next one there,	11:00:31
20	Electric and Electronics, USA, Inc."	10:58:10	20	"... letters denying liability of the	11:00:33
21	Do you see that at the top?	10:58:15	21	company, and other correspondence or memos	11:00:35
22	A Yes	10:58:16	22	which the company might need to produce in	11:00:40
23	Q And to your understanding, would this have	10:58:17	23	litigation or arbitration to disprove	11:00:43
24	been the retention that would have governed for	10:58:23	24	liability or to enforce rights of the	11:00:46
25	MCEA, the company that you worked for?	10:58:25	25	company."	11:00:48
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1	MR. FUENTES: Objection; foundation	10:58:28	1	Do you see that?	11:00:48
2	BY MR. SAVERI:	10:58:30	2	A Where is that at? I see it	11:00:49
3	Q It doesn't say "MCEA" on here. It says	10:58:34	3	Not that I recall,	11:00:56
4	"Mitsubishi Electric and Electronics USA, Inc."	10:58:36	4	Q Do you recall sending any documents off to	11:00:59
5	And during this '93 to '99 period where it	10:58:40	5	storage or for permanent -- bills of sale being sent	11:01:02
6	says it was revised, was that in existence?	10:58:43	6	off to be maintained?	11:01:06
7	A I don't --	10:58:48	7	A Not that I -- not that I recall, not that	11:01:09
8	MR. FUENTES: Object to form	10:58:48	8	I remember.	11:01:12
9	THE WITNESS: I don't recall. I don't	10:58:49	9	Q And just turning to ME00148 -- 305 would	11:01:13
10	remember this document.	10:58:51	10	be the last one. It's almost toward the end there.	11:01:29
11	BY MR. SAVERI:	10:58:55	11	A Three of 5.	11:01:45
12	Q And you see in the first paragraph where	10:58:55	12	Q It's 7 of 14 -- I'm sorry -- 7 of 14, but	11:01:46
13	it says -- excuse me -- "Each department and	10:59:01	13	it's the ME number ending 305, Mr. Wasinger	11:01:48
14	division manager?	10:59:08	14	MR. FUENTES: For the record, are you	11:01:55
15	A Yes	10:59:11	15	referring to 7 of 14 from Exhibit B to the document?	11:01:57
16	Q Would you have been a department or	10:59:13	16	MR. SAVERI: Correct. I am sorry. This	11:02:00
17	division manager at this time?	10:59:14	17	document. Just so we're clear, there is a front	11:02:02
18	A I would have been a department manager at	10:59:20	18	page. Then it goes Exhibit A and then it goes	11:02:06
19	MCEA.	10:59:23	19	and -- that goes for 7 -- 8 of 7 is different	11:02:09
20	Q At MCEA,	10:59:24	20	pagination, but then it goes Exhibit B. 1 of 14	11:02:19
21	And turning over to -- it's Bates number	10:59:25	21	So what I am looking at is page 7 of 14 of	11:02:22
22	ending 292 which is two of seven here. We will move	10:59:34	22	page Exhibit B. And it's titled "Document Retention	11:02:25
23	through this quickly.	10:59:42	23	Schedule "	11:02:31
24	You see "D" where it says,	10:59:43	24	BY MR. SAVERI:	11:02:32
25	"To be retained permanently or for	10:59:46	25	Q Are you on the 305, sir?	11:02:32

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1	A	Seven of 14?	11:02:36	1	company?		11:05:14
2	Q	Seven of 14, right. On the right there,	11:02:37	2	A	No	11:05:14
3		it says 148305.	11:02:39	3	Q	When did he retire?	11:05:15
4	A	That's correct.	11:02:44	4	A	He left the company in 1999, I believe	11:05:16
5	Q	And you see up in where it says "Sales	11:02:44	5	Q	Right at the end of this period?	11:05:18
6		Analysis," it says "P," which is permanent record,	11:02:48	6	A	That is correct.	11:05:20
7		"marketing/MIS."	11:02:54	7	Q	But you don't recall seeing any type of	11:05:28
8		Now, from this '95 to 2000 period, you	11:03:00	8		retention policy or working with anybody about	11:05:35
9		were in the Marketing Department, is that correct?	11:03:09	9		retaining documents --	11:05:39
10	A	In sales.	11:03:11	10	A	No	11:05:41
11	Q	Marketing and sales?	11:03:11	11	Q	-- during this period of time?	11:05:41
12	A	Sales.	11:03:12	12	A	No, I do not. I don't recall.	11:05:42
13	Q	Just sales.	11:03:13	13	Q	You can put that other document aside.	11:06:19
14		Was marketing separate?	11:03:14	14		(Plaintiff's Exhibit 8301 was marked for	11:06:20
15	A	It was kind of -- it was one -- basically,	11:03:26	15		identification by the court reporter and	11:06:20
16		it was sales, but marketing kind of we worked in	11:03:27	16		is attached hereto.)	11:06:20
17		conjunction with each other.	11:03:32	17	BY MR. SAVERI		11:06:26
18	Q	And MIS, what is your understanding of	11:03:33	18	Q	Mr. Wasinger, the court reporter has now	11:06:20
19		MIS?	11:03:36	19		handed you what has been designated Exhibit 8301.	11:06:28
20	A	Management Information Systems. That	11:03:37	20		and it's a document which bears the Bates numbers	11:06:33
21		would be the computer team.	11:03:39	21		ME00148267 through ME00148289	11:06:41
22	Q	Computer team?	11:03:41	22		Why don't you review it and then when you	11:06:59
23	A	IT team.	11:03:42	23		are done, let me know and I just have a few	11:07:03
24	Q	But of the marketing/sales, you would have	11:03:44	24		questions on this.	11:07:07
25		been the department head at this time; is that	11:03:47	25	A	Okay.	11:07:54

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1		correct?	11:03:49	1	Q	So, Mr. Wasinger, have you ever seen	11:07:55
2	A	I don't recall. There was other marketing	11:04:01	2		Exhibit 8301 before?	11:07:57
3		people in there as well as me. I was focused on	11:04:02	3	A	I don't recall ever seeing this document	11:07:59
4		sales, as I mentioned. In that time period, we had	11:04:05	4		I don't recall it.	11:08:01
5		some changes and I don't recall who was running	11:04:07	5	Q	Do you ever recall seeing anything similar	11:08:03
6		marketing. It was very kind of fluid at that time.	11:04:09	6		to this? It's called "Records Retention Program."	11:08:05
7		So I was running pretty much focused on	11:04:14	7	A	Not that I remember.	11:08:10
8		sales, not so much marketing.	11:04:17	8	Q	And just so we're clear, anything like	11:08:12
9	Q	So during my time, you indicated marketing	11:04:19	9		this during the '95 to the 2000 period when you ever	11:08:16
10		and there was a few people there.	11:04:22	10		recall seeing anything like this?	11:08:22
11		Do you recall the people who were in	11:04:24	11	A	I don't remember.	11:08:24
12		marketing from this '95 to '99 period?	11:04:25	12	Q	And from 2000 on, do you ever recall	11:08:25
13	A	I think Mike Stapleton was involved -- was	11:04:29	13		seeing any record retention type documents?	11:08:28
14		involved with marketing, as well. And our	11:04:32	14	A	I don't remember.	11:08:35
15		president, Jack Osborne, was also involved in	11:04:40	15	Q	When you say you don't remember, you don't	11:08:39
16		marketing, as well.	11:04:44	16		recall seeing?	11:08:41
17	Q	Is Mike Stapleton still with the company?	11:04:45	17	A	I don't recall seeing that. They very	11:08:41
18	A	No.	11:04:48	18		well may have passed and I may very well have seen	11:08:43
19	Q	Do you know where he is?	11:04:50	19		them, but I don't recall seeing them	11:08:44
20	A	I believe he is in Atlanta, Georgia.	11:04:52	20	Q	You see at the top it says "Revised	11:08:47
21	Q	And when -- do you know when about when he	11:04:55	21		1/31/94"?	11:08:48
22		left the company?	11:04:59	22	A	Yes.	11:08:49
23	A	2009 or 2010, he retired, something like	11:05:06	23	Q	And the first line, it says,	11:08:50
24		that.	11:05:09	24		"The purpose of this exhibit is to	11:08:55
25	Q	And Jack Osborne, he is still with the	11:05:09	25		summarize those federal regulations on the	11:08:56

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1	records retention which appear to be most	11:08:59	1	A Well, not just throw it away. I would	11:11:46
2	relevant to the operations of the MEA	11:09:02	2	shred it or, you know, dispose of it	11:11:50
3	companies in the United States."	11:09:06	3	Q You would dispose of it at the beginning	11:11:55
4	Is MEA, Mitsubishi Electric America	11:09:08	4	of the next year.	11:11:57
5	companies?	11:09:13	5	Okay. You can put that aside.	11:12:00
6	A I believe so, yes.	11:09:13	6	A On these documents, you are asking me a	11:12:20
7	Q And would the MEA companies, would that be	11:09:14	7	question of I don't know when I disposed it. I	11:12:22
8	your -- the company that you worked for at this time	11:09:17	8	could have kept them a year or two and then disposed	11:12:25
9	that was MDEA?	11:09:20	9	of. I don't recall when I disposed of them. I	11:12:27
10	MR. FUENTES: Objection; foundation.	11:09:23	10	wouldn't just immediately get rid of them one month	11:12:31
11	THE WITNESS: Rephrase that question,	11:09:26	11	after the year was over. I would keep them to	11:12:34
12	please	11:09:26	12	compare	11:12:38
13	MR. SAVERI: Sure, sure	11:09:27	13	So I just didn't arbitrarily dispose of	11:12:39
14	BY MR. SAVERI:	11:09:27	14	them. I would keep them, but I don't remember what	11:12:41
15	Q I know when it says MEA companies, would	11:09:28	15	happened to them.	11:12:43
16	MDEA be one of those companies that this is	11:09:31	16	Remember, we moved locations. We changed,	11:12:44
17	referring to?	11:09:35	17	we moved, but I don't remember what happened	11:12:46
18	MR. FUENTES: Objection; foundation.	11:09:36	18	Q Well, when you moved locations, what	11:12:48
19	BY MR. SAVERI:	11:09:38	19	happened to any of your materials or reports?	11:12:50
20	Q To the best of your understanding.	11:09:39	20	Did you bring them with you?	11:12:52
21	A Yes.	11:09:48	21	A Some I would bring with me. Some, they	11:12:53
22	Q And just to I'm going to turn you to	11:09:55	22	just would be discarded, so.	11:12:57
23	ME148287, please. And you will see somewhere in the	11:10:06	23	Q And was that when you moved back to	11:12:59
24	middle it says "Sales Analysis," "P," which would be	11:10:13	24	California?	11:13:01
25	permanent retention. And it says "annual only,"	11:10:21	25	A Well, we moved -- remember, from we moved	11:13:01
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1	"Marketing/MIS," similar to the previous 8300	11:10:23	1	from California --	11:13:03
2	Do you see that, sir?	11:10:29	2	Q Right.	11:13:05
3	A Yes.	11:10:30	3	A -- to Norcross, Georgia. Then from	11:13:05
4	Q And this would then refresh your	11:10:30	4	Norcross, Georgia, back to California.	11:13:08
5	recollection of any annual sales analysis being	11:10:33	5	Q Correct.	11:13:10
6	retained by MCEA anywhere	11:10:38	6	And at this time, did you keep with you	11:13:11
7	MR. FUENTES: Objection; form, foundation.	11:10:42	7	any of your annual sales reports, or you probably	11:13:14
8	THE WITNESS: I don't recall. I -- my --	11:10:48	8	traveled lean at that time and got rid of most stuff	11:13:18
9	it says MIS there. So I assume that MIS would have	11:10:54	9	and moved on.	11:13:22
10	that information.	11:10:58	10	However, did you bring anything with you	11:13:22
11	BY MR. SAVERI:	11:10:59	11	regarding your sales during this '95, '99 period?	11:13:25
12	Q It also says "Marketing," but you don't	11:10:59	12	A Not that I remember. Sorry.	11:13:30
13	recall your -- you have testified that you had your	11:11:05	13	Q And do you recall when you moved, did you	11:13:31
14	annual sales reports that were prepared and you	11:11:09	14	send anything out to storage facilities? Did you	11:13:33
15	don't recall those reports being maintained at the	11:11:14	15	send anything into archive?	11:13:37
16	company	11:11:20	16	MR. FUENTES: Objection; compound	11:13:40
17	A Not that I remember.	11:11:22	17	MR. SAVERI: Well, I will rephrase.	11:13:42
18	Q But you didn't -- did you keep your annual	11:11:27	18	BY MR. SAVERI:	11:13:43
19	sales report at this time from '95 to '99?	11:11:30	19	Q Do you recall sending any sales reports	11:13:43
20	A I did not.	11:11:35	20	out to archives?	11:13:46
21	Q You would destroy it after beginning of	11:11:37	21	A Not that I recall.	11:13:48
22	the next year?	11:11:42	22	Q Do you recall sending any annual reports	11:13:48
23	A I don't remember. I don't remember I	11:11:43	23	out for permanent storage?	11:13:53
24	would assume.	11:11:44	24	A Not that I remember. Sorry.	11:13:55
25	Q Throw it away?	11:11:45	25	Q Do you recall talking to anybody during	11:13:57

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1	when you were doing your move to send any annual	11:13:58	1	written sales contracts with its customers?	11:16:21
2	sales reports or sales reports out to storage?	11:14:03	2	A We had a dealer agreement.	11:16:31
3	A Not that I remember.	11:14:07	3	Q Would that have been called a vendor	11:16:36
4	Q And do you recall in this '95 to '99	11:14:08	4	agreement?	11:16:37
5	period whether MCEA had an off site storage facility	11:14:11	5	A I'm not sure what the exact verbiage was.	11:16:40
6	for the housing of records?	11:14:16	6	I don't remember but it was basically a dealer	11:16:43
7	A I'm not aware of any	11:14:20	7	agreement.	11:16:46
8	Q And when you moved to California, did the	11:14:22	8	Q So you had some type of form dealer	11:16:46
9	facility out in California -- this would be, I	11:14:26	9	agreement to give to your customers that would set	11:16:48
10	believe, the 2000 onward period -- have an off site	11:14:29	10	forth the parameters of the sale.	11:16:51
11	storage facility for records?	11:14:34	11	Is that it?	11:16:55
12	A Not that I am aware of or not that I	11:14:36	12	A That is correct.	11:16:56
13	recall	11:14:38	13	Q And did you maintain the dealer	11:16:56
14	Q If records would have been stored in the	11:14:38	14	agreements?	11:16:59
15	Norcross, Georgia, area, where would they have been?	11:14:42	15	A I am not -- I think legal might have	11:17:06
16	They would have been stored on site?	11:14:45	16	maintained those legal agreements. They might have	11:17:10
17	MR. FUENTES: Objection; calls for	11:14:46	17	been with our legal department.	11:17:13
18	speculation.	11:14:47	18	Q But would you or somebody in your staff	11:17:14
19	BY MR. SAVERI:	11:14:48	19	keep a copy of the dealer agreements with your	11:17:17
20	Q To the best of your understanding.	11:14:49	20	customers?	11:17:20
21	A Sorry. I don't know where it would have	11:14:52	21	A I don't recall keeping a copy of the	11:17:21
22	been stored.	11:14:54	22	actual agreements, myself. I think they went to	11:17:23
23	Q And if you had to ask somebody if there	11:14:55	23	legal, if I remember correctly.	11:17:26
24	were records and where they would have been kept,	11:15:00	24	Q Thank you.	11:17:28
25	who would have gone and asked -- at this time, who	11:15:02	25	And do you recall -- do you recall whether	11:17:29

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1	would be the person in this '95 to -- that we can --	11:15:05	1	these were annual agreements or were they monthly	11:17:34
2	A It would have been IT, MIS.	11:15:08	2	agreements or -- with your customers?	11:17:38
3	Q And that would should be this Howard --	11:15:10	3	A I think they were annual agreements that	11:17:42
4	no -- Mike Stapleton person?	11:15:12	4	were just automatically renewed on an anniversary	11:17:44
5	A No, Mike Stapleton was a business --	11:15:15	5	date. I think they were -- as a matter of fact, I	11:17:50
6	Business Operations Business Manager.	11:15:18	6	know they were an annual agreement.	11:17:53
7	Q Who would be the IT guy that you would go	11:15:19	7	Q So you would only have to enter into one	11:17:55
8	ask to see if there were any of these documents?	11:15:23	8	agreement and then they would just keep renewing?	11:17:56
9	A I don't recall who this was at this time.	11:15:26	9	You wouldn't have to keep entering into agreements	11:17:59
10	I would have to think about it. It will come to me.	11:15:27	10	every year?	11:18:02
11	Q It usually does.	11:15:29	11	A That's the best of my recollection.	11:18:03
12	And who would he report to, the president?	11:15:30	12	Q And is this is for this '95 to 1999	11:18:04
13	A That's correct.	11:15:32	13	period?	11:18:06
14	Q So the president, theoretically, would	11:15:33	14	A Yes, I think so.	11:18:07
15	know if there would be any storage facilities or	11:15:35	15	(Plaintiff's Exhibit 8302 was marked for	11:18:08
16	these type of documents and where they were housed?	11:15:40	16	identification by the court reporter and	11:18:08
17	MR. FUENTES: Objection to form, calls for	11:15:43	17	is attached hereto.)	11:18:08
18	speculation.	11:15:44	18	BY MR. SAVERI:	11:18:08
19	BY MR. SAVERI:	11:15:45	19	Q Mr. Wasinger, the court reporter has now	11:18:48
20	Q To the best of your understanding.	11:15:45	20	handed you what has been designated as Exhibit 8302	11:18:50
21	A Yes.	11:15:47	21	It bears the Bates number ME 00131766 through	11:18:55
22	Q Let's move on.	11:15:50	22	ME 00131773.	11:19:03
23	So from this '95 to '99 period when you	11:16:09	23	After you have taken a look at it, let me	11:19:09
24	were Western Regional VP and you, among other	11:16:11	24	know and I have a few questions on that.	11:19:18
25	things, are selling CRT televisions, did MCEA have	11:16:16	25	A Okay.	11:19:20

25 (Pages 94 - 97)

Page 98			Page 100			
1	Q	So, Mr. Wasinger, have you seen this	11:19:27	1	Do you see that?	11:22:09
2		document before?	11:19:32	2	A Yes.	11:22:11
3	A	Yes.	11:19:34	3	Q And then down below, there is blanks and	11:22:11
4	Q	And what is this document?	11:19:35	4	did says "P.C. Richard and Son."	11:22:14
5	A	It's a dealer agreement.	11:19:36	5	Do you see that?	11:22:16
6	Q	And it's a dealer agreement with whom?	11:19:40	6	A Yes.	11:22:17
7	A	P.C. Richard and Son.	11:19:43	7	Q And would that indicate to you that this	11:22:17
8	Q	And turning your attention to page 7, do	11:19:45	8	is a contract with P.C. Richard and Son?	11:22:19
9		you see that as your signature?	11:19:49	9	A It's a dealer agreement with P.C. Richard	11:22:22
10	A	Yes, it's like a stamped copy of my	11:19:52	10	and Son.	11:22:24
11		signature but it is my signature.	11:20:03	11	Q Correct.	11:22:25
12	Q	And would that indicate that you entered	11:20:05	12	And was this the general form dealer	11:22:25
13		into this contract for MCEA on or about March 12,	11:20:12	13	agreements that you used at this time with your	11:22:28
14		1996?	11:20:22	14	dealers?	11:22:30
15	A	Well, it looks like it's MELA or maybe --	11:20:23	15	A Yes.	11:22:32
16		at that time, we were MELA, not MCEA.	11:20:25	16	Q And most of them would have been this	11:22:37
17	Q	Well, let's talk about that.	11:20:29	17	form-type contract where you just filled in the	11:22:39
18		So it says "Mitsubishi Electronics	11:20:31	18	dealer name and then the parties would sign it, is	11:22:42
19		America" at the top.	11:20:33	19	that correct?	11:22:45
20		Is that MCEA, MLEA -- or maybe you can	11:20:35	20	A That is correct.	11:22:47
21		help me out there?	11:20:42	21	Q And let's see where am I.	11:22:48
22	A	Again, remember, we made some changes. So	11:20:44	22	And at this time, would you -- from this	11:23:13
23		we may have been -- MCEA may have been part of the	11:20:46	23	'95 to '99 period, would you have been the person	11:23:15
24		business, maybe the manufacturing side and MELA may	11:20:52	24	entering into all the dealer agreements for MELA?	11:23:21
25		have been the sales side. I don't recall	11:20:55	25	A Yes.	11:23:29
Page 99			Page 101			
1		specifically what it is, but I am referring -- I	11:20:56	1	Q So you wouldn't have your staff enter into	11:23:31
2		have been referring to it as MCEA because I don't	11:21:00	2	any of the agreements. You would enter into the	11:23:33
3		really remember which acronym	11:21:03	3	agreements.	11:23:35
4	Q	So you may have been working at MELA?	11:21:06	4	A I would sign off on all agreements, yes.	11:23:38
5	A	That's correct.	11:21:09	5	Q So you would approve them and sign off on	11:23:41
6	Q	Not MCEA?	11:21:09	6	all agreements?	11:23:43
7	A	That is correct.	11:21:11	7	A That is correct.	11:23:46
8	Q	So MELA then would have been the business	11:21:13	8	Q And did you send copies of these	11:23:50
9		that would have been from this '95 to 2000 period	11:21:17	9	agreements to the president?	11:23:54
10		entering into dealer agreement for the sale of CRT	11:21:23	10	A I don't recall.	11:24:00
11		televisions?	11:21:27	11	Q And where -- strike that.	11:24:09
12	A	That is correct.	11:21:28	12	Would you keep copies of these dealer	11:24:10
13	Q	Thank you.	11:21:29	13	agreements with you in your department?	11:24:13
14		And would you have signed this in your	11:21:30	14	A I believe that we sent them to legal.	11:24:16
15		duties and responsibilities as it says here,	11:21:34	15	Q So you don't recall keeping copies?	11:24:21
16		VP National Sales?	11:21:38	16	A I don't recall keeping copies.	11:24:24
17	A	Yes.	11:21:41	17	Q Would copies have been sent to Japan, to	11:24:27
18	Q	And would this have been maintained in the	11:21:42	18	Melco?	11:24:29
19		ordinary course of business at MELA?	11:21:45	19	A Not that I -- I would not think so.	11:24:31
20	MR. FUENTES:	Objection, foundation.	11:21:48	20	Q You don't recall?	11:24:33
21	THE WITNESS:	Yes.	11:21:55	21	A I don't recall.	11:24:34
22	BY MR. SAVERI		11:21:55	22	Q Turning your attention to page 4 of the	11:25:01
23	Q	And you will see it's contract on the	11:22:01	23	agreement or Bates number ending 769, you will see	11:25:03
24		first page that says March 12, 1996. It's filled in	11:22:03	24	paragraph 7A. And directing your attention -- let's	11:25:10
25		the blanks.	11:22:08	25	see -- four lines down, it says.	11:25:22

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Page 102			Page 104		
1	"Prices to dealer shall be in	11:25:29	1	remember.	11:28:27
2	accordance with applicable price	11:25:32	2	Q Do you recall sending the price list to	11:28:28
3	quotations or periodic price sheets issued	11:25:34	3	Japan Melco?	11:28:30
4	by MELA and shall be F.O.B. MELA's	11:25:37	4	A I don't recall doing that, either.	11:28:33
5	shipping point. Prices are subject to	11:25:41	5	Q And what factors were considered to	11:28:35
6	change at any time."	11:25:44	6	establish the list prices?	11:28:40
7	What is your understanding of that, sir?	11:25:46	7	A The marketplace.	11:28:45
8	A Well, we -- my understanding is simple.	11:25:54	8	Q So you would look at competition in the	11:28:47
9	just what says it. We issue a price sheet and on	11:25:59	9	marketplace?	11:28:49
10	that price sheet is a dealer cost. And then that's	11:26:05	10	A Yes.	11:28:50
11	what the dealer pays for and that's basically it.	11:26:11	11	Q And to do that, did you keep abreast of	11:28:51
12	Q So you had a dealer price sheet.	11:26:19	12	list prices from your competitors?	11:29:02
13	A Yes.	11:26:22	13	A We tried to but the dealers would always	11:29:06
14	Q And that would coincide with this	11:26:23	14	tell you	11:29:09
15	agreement to let them know what they would be paying	11:26:25	15	Q And how often did you come up with a price	11:29:27
16	for the different Mitsubishi televisions?	11:26:28	16	list? Was it annual?	11:29:32
17	A Yes.	11:26:31	17	A Annual.	11:29:34
18	Q And what products would be covered on the	11:26:33	18	Q Quarterly?	11:29:35
19	price sheet?	11:26:44	19	A Annual price list, but it would change	11:29:36
20	A Whatever products we were selling at that	11:26:46	20	depending upon the marketplace.	11:29:38
21	time.	11:26:48	21	Q And so you had an annual price list. And	11:29:39
22	Q So that would be the full array of your	11:26:49	22	then to change it, would you send out a change	11:29:42
23	CRT televisions as well as any other Mitsubishi	11:26:51	23	bulletin or a change announcement for those	11:29:44
24	products?	11:26:54	24	products?	11:29:47
25	A Yes, projection television as well as CRT	11:26:54	25	A Just a new price sheet.	11:29:47
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1	television.	11:26:57	1	Q You would send out a new price sheet?	11:29:49
2	Q Anything else?	11:26:58	2	A That's correct. Sometimes. Sometimes it	11:29:52
3	A I'm not sure when we stopped selling audio	11:27:00	3	would be a change bulletin. It just depended upon	11:29:53
4	products, but for a time we sold audio products, we	11:27:03	4	how extensive the price move was. That's the best	11:29:56
5	sold DVD players and --	11:27:07	5	of my recollection.	11:29:59
6	Q I'm sorry. Go ahead.	11:27:09	6	Q And would that go out to all the dealers	11:29:59
7	A And that's all I can think of.	11:27:10	7	who were under contract?	11:30:02
8	Q But primarily during this time '95 to	11:27:12	8	A Yes, that's the protocol.	11:30:03
9	1999, it would have been the CRT televisions and the	11:27:16	9	Q And how often were price lists reviewed?	11:30:13
10	rear projection televisions.	11:27:19	10	A I don't -- I don't remember how often we	11:30:19
11	A That is correct.	11:27:21	11	reviewed them. It's almost -- I just don't recall.	11:30:20
12	Q And did the price sheets -- were they for	11:27:26	12	Q But from '95 to '99, to the best of your	11:30:25
13	certain geographic areas or were they for the entire	11:27:31	13	memory, once a year?	11:30:28
14	U.S.?	11:27:35	14	A Well, we reset the price once a year based	11:30:30
15	A Entire U.S.	11:27:36	15	upon the new product line that came. So we would	11:30:33
16	Q And during this period from 1995 to 1999,	11:27:46	16	bring down the price of the old product and	11:30:36
17	what responsibility did you have to set the list	11:27:50	17	introduce a new product at a higher price. That was	11:30:38
18	prices for CRT televisions on the price list?	11:27:55	18	our policy.	11:30:40
19	A Well, I worked with our business manager,	11:28:00	19	Q So your general policy would be that each	11:30:42
20	business team, the operations team, and we would set	11:28:04	20	year, new products would come out, you would price	11:30:45
21	the price based upon what we thought the market	11:28:09	21	those and then lower the older products and put	11:30:48
22	would bear to resell the product.	11:28:12	22	those prices on the price sheets and send them out	11:30:51
23	Q And did the price list have to get	11:28:18	23	to the dealers?	11:30:54
24	approved by the president at this '95 to '99 period?	11:28:20	24	A That is correct.	11:31:08
25	A I don't recall. I'm sorry. I don't	11:28:26	25	Q To whom at -- strike that.	11:31:11

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Page 106			Page 108		
1	Is it okay now if I use "MELA" or "MCEA"	11:31:14	1	this time that MELA employees were sending price	11:33:24
2	at this time just to make sure that if I say "MELA,"	11:31:19	2	list to other CRT television manufacturers?	11:33:29
3	I am also meaning it's whatever company you were	11:31:21	3	A No, not that I can recall.	11:33:32
4	working for during this 1995 to '99 period.	11:31:25	4	Q So you don't recall ever hearing about it?	11:33:39
5	Is that fair?	11:31:27	5	A No.	11:33:41
6	A That's fair.	11:31:28	6	Q Did you receive price lists from other CRT	11:33:42
7	Q I just want to make sure we're on the same	11:31:28	7	television manufacturers?	11:33:45
8	page.	11:31:31	8	A Not that I can recall, as well.	11:33:48
9	To whom were the price lists distributed	11:31:34	9	Q Did it ever come to your attention that	11:33:52
10	at MELA at this time from '95 to '99?	11:31:37	10	someone at MELA was receiving price lists from other	11:33:54
11	Within MELA, within the company, would	11:31:47	11	CRT television manufacturers?	11:33:59
12	they go to your staff?	11:31:48	12	A Not that I remember.	11:34:02
13	A Yes.	11:31:49	13	Q Do you ever recall reviewing price lists	11:34:03
14	Q Would they go to the president?	11:31:49	14	of your competitors during this period of time, '95	11:34:07
15	A Yes, they would get a copy	11:31:50	15	to '99, at MELA?	11:34:13
16	Q Who else would get a copy?	11:31:53	16	A I don't -- I don't recall reviewing price	11:34:15
17	A The sales team.	11:31:56	17	sheets, specific price sheets from our competitors.	11:34:18
18	Q The sales team?	11:31:56	18	Sometimes dealers would try to get that information	11:34:20
19	A Correct	11:31:57	19	to get the prices down, but we were pretty vigilant.	11:34:23
20	Q And those are the people under you?	11:31:58	20	Q So you would never lower a price sheet to	11:34:32
21	A That's correct.	11:31:59	21	meet a competitive price?	11:34:34
22	Q Marketing, MIS, would any of those people	11:32:01	22	A Oh, yes, we would	11:34:36
23	get them?	11:32:03	23	Q But and how would the dealer inform you of	11:34:38
24	A Yes.	11:32:09	24	those prices?	11:34:43
25	Q And was there a general place where you	11:32:10	25	A Verbally, generally.	11:34:46
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1	kept copies of the price list and the previous price	11:32:16	1	Q Would you forward on price sheets?	11:34:48
2	list and binders?	11:32:19	2	A Not that I recall.	11:34:50
3	How were they maintained?	11:32:20	3	Q Do you recall any dealers forwarding on	11:35:10
4	A Through the business -- in the Business	11:32:23	4	competitors' price sheets?	11:35:17
5	Management Group. The Business Operations Group	11:32:25	5	A Not that I remember. They may have	11:35:21
6	would maintain the price -- pricing.	11:32:28	6	forwarded on competitors' pricing but not	11:35:24
7	Q And who was in charge of that?	11:32:31	7	competitors' price sheets. I just don't remember	11:35:26
8	A Mike Stapleton.	11:32:32	8	seeing this data.	11:35:31
9	Q Make Stapleton?	11:32:33	9	Q Did it ever come to your attention that	11:35:31
10	A At that time, yes.	11:32:34	10	some dealer was forwarding Mitsubishi price sheets	11:35:36
11	Q At that time that would be Mike Stapleton?	11:32:34	11	to one of your competitors?	11:35:39
12	A (Witness nods head up and down.)	11:32:36	12	A Not that I -- no specific example or that	11:35:44
13	Q And do you recall whether those price	11:32:37	13	I can remember.	11:35:46
14	lists were sent out to storage or they were	11:32:41	14	Q During this period of time at MELA from	11:36:13
15	maintained or they came with you when you moved to	11:32:43	15	'95 to '99, what instructions were given to your	11:36:15
16	California?	11:32:46	16	salesmen as to whether or not to sell at list?	11:36:20
17	A I don't recall. I am sorry.	11:32:48	17	A Repeat that, please	11:36:25
18	Q Did you send Mitsubishi price lists to	11:32:59	18	Q Yeah, yeah. In other words, did you give	11:36:26
19	other CRT television manufacturers?	11:33:04	19	any -- strike that.	11:36:29
20	A Absolutely not.	11:33:06	20	My understanding is from '95 to '99, you	11:36:30
21	Q Did you instruct anyone on your staff to	11:33:09	21	were the Western Regional salesperson for MELA at	11:36:33
22	send price lists to other CRT manufacturers?	11:33:13	22	this time and that you had a staff of 10 to 12	11:36:39
23	A Absolutely not.	11:33:16	23	people of salespeople under you.	11:36:41
24	Q Did it ever -- during this period from '95	11:33:18	24	And you also indicated that you have list	11:36:44
25	to '99, did it ever come to your attention during	11:33:21	25	pricing.	11:36:47

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1	A	Well, during that -- I'm sorry. Go ahead.	11:36:48	1	A	Yes.	11:39:58
2	Q	During that period you had list pricing.	11:36:50	2	Q	And you will agree that you won't use any	11:39:59
3		And what I am asking is, did you ever give	11:36:52	3		confidential material for any purposes?	11:40:02
4		your salesmen instructions as to sell on list?	11:36:56	4	A	That's correct.	11:40:06
5	A	I'm sorry. I don't understand what you	11:37:05	5		(Plaintiff's Exhibit 8303 was marked for	11:40:06
6		mean by "sell on list."	11:37:06	6		identification by the court reporter and	11:40:06
7	Q	To -- whether or not to sell at list	11:37:07	7		is attached hereto.)	11:40:06
8		pricing.	11:37:11	8	BY MR. SAVERI.		11:40:06
9		In other words, did you give instructions	11:37:12	9	Q	So, Mr. Wasinger, the court reporter has	11:41:20
10		to them to follow the list pricing that was	11:37:13	10		now handed you what has been designated as	11:41:22
11		instituted by MELA?	11:37:17	11		Exhibit 8303. It's a Bates stamped document	11:41:25
12	A	We tried to do that. However, there were	11:37:20	12		TACP-CRT-00033819 through 33820.	11:41:31
13		times where you had to meet comp -- competition was	11:37:23	13		Please, take a minute to review it and	11:41:42
14		aggressive and we had to -- we would have to review	11:37:26	14		then I will ask a few questions on it.	11:41:44
15		those circumstances, and if necessary, we would have	11:37:29	15	A	Okay.	11:41:54
16		to meet comp.	11:37:33	16	Q	Well, first of all, the second page of	11:42:00
17	Q	But besides meeting comp -- when you say	11:37:34	17		this, the cover memo refers to this as a Mitsubishi	11:42:02
18		"meet comp," that is meeting competition?	11:37:37	18		price sheet.	11:42:15
19	A	That's correct.	11:37:40	19		And do you recognize this as a Mitsubishi	11:42:16
20	Q	But besides that, it was the general	11:37:41	20		or part of a Mitsubishi price sheet?	11:42:19
21		policy to send out the list pricing to the dealers	11:37:43	21	A	Yes, as I recall.	11:42:29
22		who were on these dealer agreements, is that	11:37:46	22	Q	And do the -- where it says color	11:42:31
23		correct?	11:37:48	23		televisions, the CS-13013 and has a bunch of product	11:42:33
24	A	That is correct.	11:37:50	24		brand numbers all the way down to CS-40707.	11:42:38
25	Q	If your salesmen wanted to deviate from	11:37:59	25		Those would be Mitsubishi color CRT	11:42:43

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1		the list pricing, did he have to get authority from	11:38:03	1		televisions, is that correct?	11:42:48
2		you during this -- during this '95 to '99 when you	11:38:05	2	A	That's correct.	11:42:50
3		were at MELA?	11:38:09	3	Q	And then just to help me out, it says up	11:42:51
4	A	Yes, the authority would come through the	11:38:11	4		at top "As of: 6/3/96."	11:42:56
5		Business Planning Group and/or myself.	11:38:13	5		Do you see that?	11:43:01
6	Q	And when you say the "Business Planning	11:38:18	6	A	Yes.	11:43:02
7		Group," what was in the Business Planning Group?	11:38:20	7	Q	So does that mean that this would be the	11:43:02
8	A	Mike Stapleton was in that group. He was	11:38:24	8		price sheet on or about June 3, 1996?	11:43:04
9		head of that. He followed it closely.	11:38:26	9	A	Yes.	11:43:08
10	Q	So it was Mike Stapleton, you, the	11:38:28	10	Q	And then just so I am understanding it	11:43:10
11		president?	11:38:30	11		here, it says on the top there under that, it has	11:43:14
12	A	The president was not involved in the	11:38:30	12		model and then it has a series of those numbers.	11:43:17
13		pricing on a day-in/day-out basis.	11:38:32	13		Do you see that?	11:43:20
14	Q	But he did get copies of the list prices?	11:38:36	14	A	Yes.	11:43:20
15	A	That's correct.	11:38:42	15	Q	So the numbers CS-13103, those would refer	11:43:21
16	Q	So if I understand your answer correctly,	11:38:47	16		to the television model numbers, is that correct?	11:43:27
17		so to go off list, it would have to get approved by	11:38:49	17	A	Correct.	11:43:30
18		this business group?	11:38:52	18	Q	And then it says the next column,	11:43:30
19	A	And myself.	11:38:54	19		"Description," the top one 13-inch black and goes on	11:43:32
20	Q	And yourself.	11:38:55	20		all the way down to 40-inch black.	11:43:36
21	A	That's correct.	11:38:58	21		Do you see that?	11:43:39
22	Q	So just a preliminary matter, if I show	11:39:46	22	A	Yes.	11:43:39
23		you documents that have been maintained as	11:39:49	23	Q	So those would be the sizes of the	11:43:40
24		confidential, you will you agree to keep that	11:39:53	24		televisions and I guess the casing color, black or	11:43:43
25		material confidential?	11:39:57	25		oak console, is that correct?	11:43:47

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Page 114			Page 116		
1	A	Correct. 11:43:49	1	projection televisions?	11:45:59
2	Q	And then it says "Dealer Cost." There is 11:43:49	2	A	Yes. 11:46:00
3		a column there. 11:43:53	3	Q	And unfortunately, this is just page one 11:46:03
4		So that would be the price at which a 11:43:54	4		of three. I'm assuming two and three would be 11:46:06
5		dealer would pay for the item; is that correct? 11:43:56	5		additional if it was here. 11:46:10
6	A	Correct 11:44:00	6		Products sold by Mitsubishi? 11:46:14
7	Q	And then it says "MAP." 11:44:01	7	MR. FUENTES	Objection; foundation. 11:46:17
8		What is MAP? 11:44:02	8	BY MR. SAVERI	11:46:18
9	A	Manufacture advertised price. 11:44:03	9	Q	To the best of your recollection? 11:46:18
10	Q	So that would be sort of the retail price? 11:44:06	10	MR. FUENTES	Objection; calls for 11:46:20
11	A	Yes. 11:44:12	11		speculation. 11:46:20
12	Q	The suggested retail price? 11:44:12	12	THE WITNESS	Unless it's another 11:46:22
13	A	Manufactured advertised price, right. 11:44:15	13		competitor that they listed other competitors. 11:46:23
14	Q	So this would be a price that you would be 11:44:17	14	BY MR. SAVERI	11:46:27
15		advertising out in the public. 11:44:19	15	Q	No, but this price sheet that you 11:46:28
16	A	Yes. 11:44:22	16		indicated looks like Mitsubishi's price sheet. 11:46:34
17	Q	And then there is comments, "in stock," 11:44:23	17	A	Right. 11:46:38
18		"new model," "sold out" and so forth. 11:44:27	18	Q	In other words, what I am thinking 11:46:39
19		Do you see that? 11:44:30	19		happened is they tore off the other two pages and 11:46:40
20	A	Yes. 11:44:31	20		just sent this one page. I don't know but I am. 11:46:42
21	Q	And then it has "ETA." 11:44:33	21		just -- all I am asking for is there would be two 11:46:45
22		Do you see that at the top? 11:44:38	22		other pages and it would have Mitsubishi products on 11:46:49
23	A	Yes. 11:44:39	23		them? 11:46:52
24	Q	What is your understanding of ETA? 11:44:40	24	MR. FUENTES	Objection; foundation. 11:46:53
25	A	Estimated time of arrival. 11:44:42	25	THE WITNESS	Yes, but I don't know what 11:46:57
Page 115			Page 117		
1	Q	And then some of these products have -- 11:44:47	1	other products they would have. That's pretty much 11:46:58	
2		Let's just take this one here CS-32207 32-inch 11:44:48	2	the entire product line, if I remember -- if my 11:47:00	
3		black, it has ETA 6/20/96. 11:44:53	3	recollection is correct. 11:47:03	
4		Does that mean that that product would be 11:44:58	4	BY MR. SAVERI	11:47:04
5		available on June 20, 1996? 11:45:00	5	Q	Do you recall whether the other pages 11:47:05
6	A	Yes. 11:45:02	6		would have -- I don't know -- orders, procedures or 11:47:07
7	Q	And as you go down the next one, so 11:45:02	7		something or forms or other -- 11:47:09
8		these -- that product isn't in the market yet? 11:45:05	8	A	I don't recall. 11:47:12
9	A	New model. 11:45:08	9	MR. FUENTES	Objection; foundation. 11:47:13
10	Q	New model. 11:45:08	10	BY MR. SAVERI	11:47:13
11		And the same thing for 32-inch oak 11:45:09	11	Q	Now, turning to the first page, do you 11:47:15
12		console, that would be in July 25, '96? 11:45:12	12		know Jim Donahue at Toshiba? 11:47:18
13	A	Yes. 11:45:19	13	A	I do. 11:47:22
14	Q	That is a new model; is that correct? 11:45:21	14	Q	And how do you know Mr. Donahue? 11:47:23
15	A	Correct. 11:45:29	15	A	I just met him over the years at trade 11:47:25
16	Q	And then on the bottom, it says color 11:45:42	16		shows, at CES, different events. 11:47:27
17		television VCR combo. 11:45:45	17	Q	And when you say "CES," the computer 11:47:31
18		Are those televisions with VCR's built 11:45:48	18		electronics show in Las Vegas? 11:47:35
19		into them? 11:45:51	19	A	Consumer electronics show 11:47:38
20	A	Correct. 11:45:52	20	Q	That's in Las Vegas? 11:47:40
21	Q	Would that be a CRT television? 11:45:52	21	A	That's correct. 11:47:42
22	A	Yes. 11:45:53	22	Q	And so you would periodically run into 11:47:42
23	Q	And then below, it has big screen 11:45:54	23	Mr. Donahue?	11:47:46
24		televisions. 11:45:57	24	A	Yes. 11:47:47
25		Are those the -- would that be the rear 11:45:58	25	Q	And do you know Rick -- and did you -- and 11:47:50

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1	over those periods of time, did you ever have	11:47:53	1	A No, not that I can ever recall.	11:50:08
2	discussions with him regarding the display market?	11:47:55	2	Q Did you ever talk to him about LCD	11:50:10
3	A Absolutely not.	11:47:59	3	televisions?	11:50:13
4	Q And did you ever have any discussions with	11:48:06	4	A Not that I can recall	11:50:14
5	him regarding the television market?	11:48:07	5	Q With Mr. Calacci, do you ever recall	11:50:17
6	A No	11:48:09	6	talking to him about the display market?	11:50:20
7	Q Do you ever recall during those meetings	11:48:10	7	A No, not that I can -- no.	11:50:22
8	with him having discussions regarding the forwarding	11:48:12	8	Q At any time.	11:50:24
9	of price sheets?	11:48:19	9	A Not that I can recall.	11:50:25
10	A Never.	11:48:22	10	Q And when you said the same situation with	11:50:26
11	MR. FUENTES. Rick, may I clarify. Are	11:48:23	11	Mr. Calacci, that would be running into him at trade	11:50:30
12	you asking as to Jim Donahue or Rick Calacci?	11:48:24	12	associations and trade shows?	11:50:33
13	MR. SAVERI: Jim Donahue.	11:48:29	13	A That's correct.	11:50:34
14	BY MR. SAVERI:	11:48:30	14	Q Did you ever run into him out at a	11:50:34
15	Q Because you indicated he's met him at	11:48:30	15	customer?	11:50:37
16	trade shows, the CEA and others.	11:48:33	16	A Not that I remember.	11:50:40
17	And so I was asking during those meetings,	11:48:37	17	Q And with Mr. Donahue, do you ever recall	11:50:42
18	if you had any discussions with him regarding the	11:48:38	18	running into him out at a customer?	11:50:45
19	display market.	11:48:41	19	A Not that I remember.	11:50:48
20	A Absolutely not.	11:48:42	20	Q So your only communication with these two	11:50:50
21	Q Did you have any discussions with him	11:48:43	21	would have been at trade shows or trade events.	11:50:53
22	about new products coming out?	11:48:45	22	Is that it?	11:50:56
23	A No.	11:48:48	23	A Yes.	11:50:57
24	Q Did you have any discussions with	11:48:51	24	Q Did you ever socialize with them?	11:50:58
25	Mr. Donahue about the health of the display	11:48:53	25	A No.	11:51:01
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1	industry?	11:48:57	1	Q You never went out and had drinks or	11:51:01
2	A No.	11:48:59	2	played golf with them?	11:51:03
3	Q Did you -- would you -- do you know Rick	11:49:07	3	A Not that I recall	11:51:04
4	Calacci -- I believe that is how you pronounce it?	11:49:12	4	Q And looking into the substance of the	11:51:18
5	A I do.	11:49:16	5	interoffice memo here, it indicates that 3 percent	11:51:22
6	Q And how do you know Mr. Calacci?	11:49:16	6	COOP, C-O-O-P.	11:51:27
7	A Same thing, different industry functions.	11:49:18	7	What is your understanding of that?	11:51:31
8	different events.	11:49:20	8	A It's co-op advertising	11:51:32
9	Q And just so -- Jim Donahue, do you know	11:49:27	9	Q And 2 percent MDF.	11:51:34
10	what his position is or was at this time at Toshiba?	11:49:29	10	What's MDF?	11:51:36
11	A Just sales. That's all I know, some	11:49:33	11	A Market development funds.	11:51:38
12	capacity of sales. I don't know what position.	11:49:35	12	Q And 5 percent VR?	11:51:39
13	Q So he's a sales guy at Toshiba?	11:49:37	13	A Volume rebate.	11:51:40
14	A That's correct.	11:49:40	14	Q And 1 percent additional if the group hits	11:51:42
15	Q And Mr. Calacci?	11:49:41	15	target.	11:51:44
16	A Same thing, sales manager. Mr. Calacci	11:49:42	16	Additional rebate, I assume?	11:51:45
17	would have been Jim Donahue's boss, I would assume,	11:49:45	17	A Yes.	11:51:48
18	based on this memo.	11:49:49	18	Q And is that some volume rebate, basically?	11:51:49
19	Q So it's your understanding that	11:49:50	19	A That's correct	11:51:52
20	Mr. Calacci was Jim's boss?	11:49:51	20	Q And then it's CC'd to Steve Nickerson.	11:51:55
21	A That's my understanding.	11:49:53	21	Do you know Mr. Nickerson?	11:51:58
22	THE CLERK: Objection.	11:50:02	22	A Yes.	11:52:00
23	BY MR. SAVERI:	11:50:02	23	Q And what is your understanding of his	11:52:01
24	Q And then back to Mr. Donahue, did you ever	11:50:02	24	position at Toshiba?	11:52:03
25	talk about projection TV's?	11:50:05	25	A He's no longer with them.	11:52:05

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1	Q	At this time, 1996.	11:52:06	1	America, Inc." and "Mitsubishi" with a big diamond	11:55:19	
2	A	I don't recall.	11:52:11	2	at the top?	11:55:21	
3	Q	Would he have been another salesperson?	11:52:12	3	A Yes.	11:55:24	
4	A	Salesperson.	11:52:15	4	Q And would that be MELA?	11:55:25	
5	Q	And would Mr. Nickerson -- your meetings	11:52:16	5	A MELA.	11:55:29	
6		with him only been at trade shows?	11:52:18	6	Q Excuse me. MELA.	11:55:32	
7	A	Yes.	11:52:21	7	A Yes.	11:55:36	
8	Q	Do you ever recall talking to him about	11:52:21	8	Q I'm sorry.	11:55:37	
9		the display market?	11:52:23	9	It's a yes; is that correct?	11:55:38	
10	A	No.	11:52:24	10	A Yes.	11:55:40	
11	Q	Do you ever recall talking to him about	11:52:25	11	Q So this would have been the company that	11:55:41	
12		the television market?	11:52:26	12	you were working at; is that correct?	11:55:42	
13	A	No.	11:52:27	13	A Yes.	11:55:45	
14	Q	Do you ever recall talking to him about	11:52:27	14	Q And there is a date there, April 5, 1996.	11:55:45	
15		the rear projection market?	11:52:29	15	Do you see that?	11:55:51	
16	A	No.	11:52:31	16	A Yes.	11:55:51	
17	Q	Do you ever recall talking to him about	11:52:34	17	Q And then it says "To" All Mitsubishi	11:55:52	
18		the LCD markets?	11:52:36	18	Dealers."	11:55:54	
19	A	No, not that I recall.	11:52:37	19	Do you see that?	11:55:55	
20	Q	You don't recall one way or the other?	11:52:40	20	A Yes.	11:55:55	
21	A	No, I did not.	11:52:42	21	Q And then the re line, "June 1 Price Moves	11:55:56	
22	Q	Mike Shishkoff. I apologize if I	11:52:45	22	and April Trailing Credits."	11:55:58	
23		mispronounce that. I think it's Shishkoff.	11:52:48	23	Do you see that?	11:56:01	
24		Do you see him there at the bottom?	11:52:51	24	A Yes.	11:56:01	
25	A	Yes.	11:52:52	25	Q And would this have been a price bulletin	11:56:02	
Page 123				Page 125			
1	Q	Do you know Mr. Shishkoff?	11:52:53	1	that was sent by your group to its dealers regarding	11:56:08	
2	A	No.	11:52:55	2	June 1 price moves?	11:56:15	
3	Q	You don't recall ever meeting him?	11:52:56	3	A Yes.	11:56:16	
4	A	No.	11:52:58	4	Q And so this would have been prepared in	11:56:17	
5	Q	Mr. Wasinger. I am handing you what --	11:54:08	5	the ordinary course of business at MELA?	11:56:19	
6		strike that.	11:54:15	6	A Correct.	11:56:24	
7		I have previously mentioned to you about	11:54:16	7	Q And would this have been something you	11:56:25	
8		confidential information. And so the same	11:54:17	8	would have approved?	11:56:27	
9		admonition goes here, that if I show you	11:54:20	9	A Yes.	11:56:29	
10		confidential information, you will maintain that	11:54:22	10	Q And would you do this or would somebody on	11:56:30	
11		confidential information; is that correct?	11:54:24	11	your team do this?	11:56:32	
12	A	That's correct.	11:54:27	12	A Somebody on my team.	11:56:38	
13		(Plaintiff's Exhibit 8304 was marked for	11:54:27	13	Q And then would it come to you for	11:56:40	
14		identification by the court reporter and	11:54:27	14	approval?	11:56:43	
15		is attached hereto.)	11:54:27	15	A Yes.	11:56:43	
16	BY MR. SAVERI:		11:54:27	16	Q And the procedure, again, I think -- well,	11:56:44	
17	Q	Mr. Wasinger, the court reporter has	11:54:33	17	we talked about if there were changes in prices,	11:56:45	
18		handed you what has been now designated 8304. It	11:54:34	18	they would then -- it would be a new price sheet or	11:56:48	
19		bears the Bates numbers TACP-CRT-00055476 through,	11:54:39	19	there would be a bulletin; is that correct?	11:56:51	
20		it looks like, 55478.	11:54:49	20	A That's correct.	11:56:54	
21		If you could, please, take a look at that	11:54:54	21	Q And this would be an example of one of	11:56:54	
22		and then I have a few questions for you, please.	11:54:57	22	those bulletins?	11:56:56	
23	A	Okay.	11:55:01	23	A That's correct.	11:56:58	
24	Q	Directing your attention to the last page	11:55:07	24	Q And just so we're clear, where says it the	11:56:58	
25		here, 55478, do you see it says "Electronics	11:55:12	25	models up there, that would describe the product. is	11:57:00	

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1	that correct?	11:57:02	1	Q And let's go now to the front page where	11:59:37
2	A Correct.	11:57:03	2	if says "Inter-Office Memorandum" for Toshiba	11:59:40
3	Q And the CS-40507, that is CRT televisions?	11:57:04	3	America consumer products.	11:59:43
4	A Yes, that's a 40-inch CRT television.	11:57:10	4	This is Mr. Donahue again.	11:59:46
5	Q Just so we're clear here, it says V --	11:57:14	5	A Yeah.	11:59:47
6	under model, it has VS-6041.	11:57:17	6	Q From him.	11:59:48
7	What is that?	11:57:21	7	And in there, in the second paragraph, he	11:59:49
8	A That is a projection television.	11:57:22	8	says,	11:59:53
9	Q And then under it is CS-35405.	11:57:23	9	"I also picked up information on	11:59:53
10	Are the CS numbers, those would be CRT	11:57:28	10	Mitsubishi's latest price moves and	11:59:56
11	televisions?	11:57:31	11	JVC's."	11:59:59
12	A Yes.	11:57:32	12	Do you see that?	12:00:01
13	Q And that would range from the 35- up to	11:57:33	13	A Yes.	12:00:01
14	40-inch?	11:57:35	14	Q Do you have any understanding where	12:00:02
15	A Yes.	11:57:37	15	Mr. Donahue would be receiving your price	12:00:04
16	Q And then it has "MAP." That would be the	11:57:38	16	notification?	12:00:08
17	manufacturer's advertised price.	11:57:44	17	A I do not.	12:00:09
18	That would be the price you would be	11:57:46	18	Q And this is to Steve Nickerson.	12:00:11
19	requesting the dealer sell at, is that correct?	11:57:49	19	Do you know Mr. Nickerson in the "to"	12:00:16
20	A Correct.	11:57:53	20	line?	12:00:18
21	Q And it has "Dealer Cost. "	11:57:54	21	A Yes.	12:00:19
22	This would be the new cost as it relates	11:57:55	22	Q And who is Mr. Nickerson?	12:00:20
23	to these products?	11:57:59	23	A Well, he's in charge of sales. I	12:00:22
24	A Yes.	11:58:00	24	assume-- I don't recall his exact position but it	12:00:27
25	Q And could you just run me through the	11:58:02	25	would have been a senior manager in the sales group.	12:00:28
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1	"April trailing credits are as follows."	11:58:04	1	Q And have you ever met Mr. Nickerson?	12:00:31
2	Could you just explain what those are,	11:58:07	2	A Yes.	12:00:34
3	please.	11:58:09	3	Q And where did you meet Mr. Nickerson?	12:00:34
4	A It's just a trail credit. If a person	11:58:13	4	A Different trade shows, different trade	12:00:38
5	purchased that product, 25-piece minimum, mixed	11:58:17	5	meeting functions, consumer electronics shows, those	12:00:44
6	minimum of the models listed below, they would get	11:58:25	6	type of events.	12:00:47
7	\$35 per unit trial credit. That is off the invoice	11:58:28	7	Q When you say "functions," what do you mean	12:00:48
8	price.	11:58:33	8	by "functions"?	12:00:50
9	So if the dealer cost was 2102 -- well, if	11:58:33	9	A Well, for example, there are buying groups	12:00:51
10	the dealer cost was \$1000, for example, they would	11:58:36	10	or buying cooperatives and they may have a meeting.	12:00:56
11	get \$1000 less \$35 for unit trial credit.	11:58:39	11	And at that meeting, the vendors would go in,	12:00:58
12	Q And that would be at the time of purchase	11:58:45	12	Mitsubishi, one of vendors, and you would present	12:01:03
13	or at back end after purchase?	11:58:48	13	your new product line to them in a meeting, while at	12:01:05
14	A That would come off the invoice at time of	11:58:53	14	the same time, there may be other manufacturers	12:01:09
15	purchase. That's the best of my recollection.	11:59:03	15	there, as well that would present, not in the same	12:01:11
16	Q Fair enough.	11:59:04	16	room but a different time.	12:01:14
17	And the one-piece minimum?	11:59:05	17	So I may see them in passing or you are	12:01:15
18	A That's the one piece, but if they bought	11:59:10	18	introduced to people in the industry in those type	12:01:19
19	50 pieces or more, they got a larger trail credit.	11:59:14	19	of venues.	12:01:21
20	Q And then you see there is some handwritten	11:59:18	20	Q Are you done?	12:01:23
21	notes up there? It says 2 percent?	11:59:20	21	A Yeah.	12:01:24
22	A I don't know what that is.	11:59:23	22	Q Sorry. I apologize.	12:01:25
23	Q VR plateau corp or something?	11:59:24	23	So if there was some buying group or they	12:01:26
24	A Co-op -- I have no idea. I'm sorry. I	11:59:27	24	may have worked -- held a function in which they	12:01:30
25	don't know what that is.	11:59:31	25	wanted vendors to come in and present what product	12:01:34

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1	they have and what they want to sell them at?	12:01:38	1	Same situation, would run into him at	12:04:02
2	A That's correct.	12:01:41	2	these buying groups and trade associations or golf?	12:04:04
3	Q And in that situation, you would see	12:01:42	3	A Yes, yes.	12:04:07
4	Toshiba salespeople and Samsung salespeople and	12:01:45	4	Q Or golfing events, is that correct?	12:04:08
5	LG salespeople?	12:01:49	5	A Yes.	12:04:11
6	A That is correct.	12:01:50	6	Q Mike Shishkoff, I think we talked about	12:04:13
7	Q And the other competitors in the	12:01:51	7	also same thing, you would run --	12:04:16
8	television industry?	12:01:54	8	A No, I don't know him.	12:04:18
9	A That is correct.	12:01:55	9	Q You don't recall him?	12:04:20
10	Q And that would be when you referenced	12:01:56	10	A I don't recall him	12:04:21
11	functions outside of trade shows?	12:02:01	11	Q Claude Frank?	12:04:22
12	A That is correct.	12:02:03	12	A I don't recall him.	12:04:23
13	Q Are there any other types of functions you	12:02:04	13	Q Bobby Gerber?	12:04:24
14	would run into these individuals?	12:02:07	14	A I don't remember him or her.	12:04:25
15	A No.	12:02:08	15	Q Pat Byrne?	12:04:26
16	Q And how often did these trade buying	12:02:09	16	A I don't recall Pat Byrne	12:04:29
17	groups have these type of functions?	12:02:12	17	Q Mike San Matte? Apologize.	12:04:31
18	A Normally, annually or semi-annually.	12:02:17	18	A I recall him, San Matte. I recall him	12:04:35
19	Q So once or twice a year, a buying group	12:02:19	19	because he died.	12:04:39
20	would have these types of events?	12:02:22	20	Q And but did you ever have any	12:04:41
21	A That is correct.	12:02:24	21	conversations with him?	12:04:43
22	Q And how many buying groups do you recall	12:02:24	22	A No, never	12:04:45
23	doing this at that time?	12:02:26	23	Q And do you have any understanding what	12:04:46
24	A Maybe four, four different buying groups,	12:02:31	24	NE KAM's are?	12:04:48
25	four or five, maybe five.	12:02:35	25	A I don't know who NE KAM's is	12:04:49
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1	Q So four or five different buying groups.	12:02:38	1	Are we finished with this document?	12:05:06
2	And you would be the person making the	12:02:40	2	Q Yeah, we are.	12:05:08
3	pitch for Mitsubishi at these buying groups?	12:02:43	3	MR. SAVERI: This may be a good time to	12:05:27
4	A Sometimes	12:02:45	4	take the lunch break since we are past 12:00	12:05:28
5	Q Or somebody on your staff, is that it?	12:02:46	5	MR. FUENTES: Fine with us	12:05:31
6	A Yes.	12:02:48	6	MR. SAVERI: Is that okay?	12:05:32
7	Q And at those functions, you would then run	12:02:51	7	MR. FUENTES: When do you want to come	12:05:34
8	into the other salespeople for the other CRT	12:02:53	8	back?	12:05:35
9	television merchandisers?	12:02:56	9	MR. SAVERI: 1:00. Why we start at 1:05.	12:05:36
10	A Correct.	12:02:57	10	So we are going off the record.	12:05:38
11	Q And so besides these buying group	12:03:05	11	MR. FUENTES: Yeah, off the record.	12:05:41
12	functions and the trade associations, was there ever	12:03:08	12	THE VIDEOGRAPHER: Off the record.	12:05:42
13	another situation where you would run into Toshiba	12:03:15	13	12:05 p.m.	12:05:43
14	individuals?	12:03:19	14	(Whereupon, at the hour of 12:05 p.m., a	
15	A The only one I can think of would be like	12:03:21	15	luncheon recess was taken, the deposition	
16	at a charity golf event or maybe a large retailer	12:03:24	16	to be resumed at 1:05 p.m.)	
17	would have some sort of an annual golf event, that	12:03:31	17		
18	type of thing.	12:03:36	18		
19	Q So at these annual golf events, you would	12:03:37	19		
20	run into other salespeople from the other television	12:03:41	20		
21	manufacturers?	12:03:45	21		
22	A Yes.	12:03:46	22		
23	Q Looking back at this document, we talked	12:03:52	23		
24	about -- we're in the CC line -- Rich Calacci, I	12:03:57	24		
25	think we talked about him.	12:04:01	25		

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1	LOS ANGELES, CALIFORNIA; THURSDAY, JULY 16, 2015		1	form, dealer agreement?	13:07:53
2	1:06 P.M.		2	A Yes, to the best of my knowledge, yeah	13:07:54
3			3	Q Fair enough	13:07:59
4	THE VIDEOGRAPHER: Back on the record at	13:06:00	4	Just some more clean up.	13:08:01
5	1:06 p.m.	13:06:00	5	THE VIDEOGRAPHER: Off the record at	13:08:24
6		13:06:00	6	1:08 p.m.	13:08:25
7	EXAMINATION (CONTINUED)	13:06:00	7	(Off the record.)	13:08:26
8	BY MR. SAVERI	13:06:02	8	THE VIDEOGRAPHER: Back on the record at	13:12:45
9	Q Mr. Wasinger, if I may return to	13:06:06	9	1:12 p.m.	13:12:46
10	Exhibit 8302. That is the dealer agreement. I just	13:06:08	10	BY MR. SAVERI	13:12:49
11	want to clear something else, if I can.	13:06:12	11	Q Next one in line, I think it's 8305.	13:12:49
12	If I turn to where you signed it, it says	13:06:17	12	(Plaintiff's Exhibit 8305 was marked for	13:12:53
13	Max Wasinger. This is page 7 of the dealer	13:06:22	13	identification by the court reporter and	13:12:53
14	agreement.	13:06:25	14	is attached hereto.)	13:12:53
15	Are you all set?	13:06:28	15	BY MR. SAVERI:	13:13:11
16	A Yes.	13:06:29	16	Q Mr. Wasinger, the court reporter has now	13:13:11
17	Q Do you see where it says "Max Wasinger,	13:06:30	17	designated what is now known as Exhibit 8305. It's	13:13:13
18	VP National Sales"?	13:06:32	18	a single page bearing the Bates number ME 00013506.	13:13:17
19	A Right.	13:06:34	19	Take a look at it for a minute and when	13:13:26
20	Q When we talked about your title, you said	13:06:34	20	you are ready, let me know.	13:13:29
21	you were regional -- I just want -- the record is a	13:06:36	21	A Please, I am ready.	13:13:31
22	little muddy and I just want to be clear	13:06:39	22	Q Are you all set?	13:13:34
23	You mentioned you were regional and Mr. --	13:06:42	23	A Yes.	13:13:35
24	I think it was Bosso -- was the eastern regional for	13:06:44	24	Q Looking at the top, in the last there is a	13:13:39
25	this period of time. Did there come a time --	13:06:49	25	circle, May 19, 1995. And would that indicate to	13:13:44
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1	Broza, I believe was eastern	13:06:50	1	you -- strike that.	13:13:47
2	Did there come a time -- this was '96, I	13:06:54	2	And then it has "CRT and CTV and PTV	13:13:48
3	believe, where you just took over and you were the	13:07:01	3	Manufacturers in New York."	13:13:53
4	top national sales guy?	13:07:02	4	Do you see that title?	13:13:54
5	A Yes, yes, that's correct.	13:07:05	5	A Yes	13:13:55
6	Q Would it be about '96 here?	13:07:06	6	Q And PTV would be?	13:13:56
7	A Yes, probably from first part of '96.	13:07:08	7	A Projection TV.	13:13:57
8	Q So from '96 on until 2000 when you took	13:07:10	8	Q Projection	13:13:58
9	your new title, you would have been the top	13:07:13	9	So this is CRT. That would be the tubes?	13:13:59
10	salesman, the National Sales Vice President.	13:07:16	10	A Yes.	13:14:01
11	A Correct.	13:07:20	11	Q And CTV would be color televisions?	13:14:02
12	Q And that would be at MELA?	13:07:20	12	A Yes	13:14:06
13	A I believe so.	13:07:22	13	Q And PTV would be projection TV	13:14:07
14	Q Thank you.	13:07:23	14	manufacturers of North America	13:14:10
15	That is all on that. I just want to make	13:07:25	15	Do you see that?	13:14:12
16	sure on that.	13:07:27	16	A Yes	13:14:13
17	And therefore, all regions would have	13:07:29	17	Q And so would that indicate to you that	13:14:13
18	reported to you.	13:07:31	18	this is a MAP outlining the two -- the CRT two	13:14:15
19	A Yes. That's why I signed the agreement	13:07:32	19	manufacturers, the color televisions and projection	13:14:21
20	which is out of New York -- or New Jersey -- yeah.	13:07:34	20	TV's in North America as of 1995?	13:14:24
21	New York. So that's not west. That is east. So I	13:07:37	21	A Yes	13:14:28
22	had everything.	13:07:42	22	Q And just to kind of where we were, about	13:14:34
23	Q It certainly is. And so -- and as you	13:07:43	23	where we are, then in -- you see where it says "2"	13:14:36
24	testified before, all the dealer agreements then you	13:07:46	24	in California down there near the Los Angeles area	13:14:38
25	would have signed -- and they generally took this	13:07:49	25	and on the bottom it has MCEA?	13:14:41

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1	A	Yes. 13:14:45	1	A	Yes, after it was completed. 13:17:12
2	Q	And is that your recollection that there 13:14:46	2	Q	How many times did you go visit this 13:17:13
3		was a -- that MCEA had a facility in -- looks like 13:14:47	3		facility? 13:17:14
4		Santa Ana -- at that time? 13:14:52	4	A	I am not sure. Not often, not often. 13:17:15
5	A	You are correct. 13:14:54	5	Q	When you were down there, did you ever go 13:17:17
6	Q	And then if you go to "9," which is in 13:14:55	6		visit any other CRT television manufacturing 13:17:19
7		Georgia, there is MCEA there, too. 13:14:59	7		facilities down there of any of these other of your 13:17:24
8	A	Yes. 13:15:06	8		competitors? 13:17:26
9	Q	And does that refresh your recollection 13:15:07	9	A	No. 13:17:27
10		that there was -- MCEA was in Georgia and Santa Ana 13:15:09	10	Q	Did you ever go visit any plants down in 13:17:32
11		beginning of May of '95? 13:15:15	11		the Juarez area? 13:17:34
12	A	Yes. 13:15:17	12	A	No. 13:17:38
13	Q	And then there is a Mitsubishi facility, 13:15:23	13	Q	Or any tube facilities or any television 13:17:38
14		it looks like, up in Canada. 13:15:25	14		or monitor manufacturing facilities? 13:17:41
15	A	Yes. 13:15:30	15	A	No. 13:17:44
16	Q	What is your understanding of -- and it's 13:15:31	16	Q	Did you ever visit at any during this 13:17:50
17		hard to read, I apologize, this is the way it was 13:15:33	17		period of time from '95 to 2000 when you were at 13:17:52
18		given to us -- Mallard or Medford something, Canada? 13:15:36	18		MELA, did you ever visit any facilities of your 13:17:57
19	A	I'm not -- I'm not familiar with it. 13:15:41	19		competitors? 13:18:06
20	Q	But you are not familiar with some 13:15:44	20	A	No. 13:18:07
21		facility of Mitsubishi up there and it has a square 13:15:45	21	Q	Did you ever visit any headquarters of 13:18:12
22		and if you look to the grid somewhere -- let me see 13:15:49	22		your competitors during this period of time? 13:18:14
23		if I can direct your attention. Right there in that 13:15:52	23	A	No. 13:18:16
24		box square to be CRT manufacturers. 13:16:00	24	Q	From 2000 until you left, did you ever 13:18:17
25		So that would be a tube manufacturing 13:16:03	25		visit any facilities in Mexico of your competitors? 13:18:21
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1		facility? 13:16:04	1	A	Never. 13:18:28
2	A	Yes. 13:16:05	2	Q	From 2000 until you left -- I believe it 13:18:28
3	Q	Does that refresh your recollection that 13:16:05	3		was 2014 -- did you ever visit any of the 13:18:30
4		Mitsubishi at this time had a tube manufacturing 13:16:07	4		headquarters or facilities in the U.S. of your 13:18:32
5		facility up in Canada? 13:16:09	5		competitors? 13:18:34
6	A	Yes, I believe so. 13:16:11	6	A	No. 13:18:35
7	Q	But do you know whether that would have 13:16:14	7	Q	And this is a Mitsubishi produced document 13:18:51
8		provided all the tubes for all the different sizes 13:16:16	8		to the best -- do you know where this would come out 13:18:54
9		of televisions that Mitsubishi sold at this time? 13:16:20	9		of, by any chance? 13:18:56
10	A	I don't recall. Sorry. I don't remember. 13:16:27	10		Do you recall seeing this? 13:18:57
11	Q	And then I believe you indicated at some 13:16:35	11	A	I have never seen this before. 13:18:58
12		time, Mitsubishi soon thereafter, like '96, opened a 13:16:37	12	Q	It says "Attachment 2" at the top. 13:19:01
13		plant in Mexicali, Mexico? 13:16:41	13		Would this be some financial document or 13:19:03
14	A	Maybe it was in '97. I am not sure of the 13:16:44	14		something that maybe your company produced? 13:19:06
15		exact times but it's -- it was like a final assembly 13:16:46	15		MR. FUENTES: Objection, lack of 13:19:10
16		plant. 13:16:50	16		foundation. 13:19:10
17	Q	But that would be after this MAP in '95? 13:16:51	17		BY MR. SAVERI. 13:19:12
18	A	Yes. 13:16:54	18	Q	To the best of your understanding. 13:19:12
19	Q	And that Mexicali is somewhere -- if I am 13:16:55	19	A	No. 13:19:14
20		not mistaken, that is down near Tijuana. 13:16:59	20	Q	You don't recall it? 13:19:15
21		Am I right? 13:17:02	21	A	I have never seen it. I don't recall it. 13:19:17
22	A	No. Well, it's a little bit east of 13:17:03	22	Q	But now looking at it, do you have any 13:19:19
23		Tijuana. It's across from Calexico, California. 13:17:05	23		reason to believe that any of the information in 13:19:23
24	Q	Did you ever go visit the facility down 13:17:09	24		here is inaccurate as to the locations or 13:19:25
25		there? 13:17:11	25		whereabouts of any of the facilities? 13:19:27

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1	MR. FUENTES: Objection; form, lack of	13:19:29	1	A Yes	13:22:04
2	foundation.	13:19:30	2	Q So when I refer to -- when I -- in these	13:22:04
3	THE WITNESS: I don't -- I have never been	13:19:32	3	questions, when I refer to the Thompson, I am	13:22:06
4	to any of these facilities. I wouldn't know if they	13:19:32	4	referring to Thompson in its collectively entity.	13:22:09
5	existed or not.	13:19:36	5	like Mitsubishi has Thompson SA, a French	13:22:12
6	BY MR. SAVERI:	13:19:37	6	corporation; Thompson Consumer Electronics, U.S.	13:22:16
7	Q So you have no independent knowledge of	13:19:37	7	Corporation, now known as "Technicolor."	13:22:19
8	this MAP that was produced by Mitsubishi. Is that	13:19:39	8	So when I refer to "Thompson," I am	13:22:22
9	accurate or not?	13:19:41	9	referring to its in its entirety.	13:22:25
10	Have you seen the bottom it says "source "	13:19:42	10	During the period from '95 to 2000 when	13:22:28
11	And I think --	13:19:44	11	you were at MELA, did you ever have any	13:22:31
12	A Where?	13:19:45	12	conversations with anybody at Thompson?	13:22:35
13	Q On the bottom, MECA.	13:19:45	13	A Never.	13:22:38
14	A I never heard -- I don't know who that is.	13:19:48	14	Q Did you ever have any -- run into anybody	13:22:38
15	Q MCEA, Mitsubishi entities?	13:19:50	15	at Thompson in a social setting during that period	13:22:49
16	A I don't know who that is. Sorry.	13:19:53	16	of time?	13:22:52
17	Q That's all.	13:20:01	17	A Not that I recall.	13:22:52
18	From the period of time of 1995 to 1999	13:20:12	18	Q Did it ever come to your attention that	13:23:01
19	when you were at MELA, did you ever have any	13:20:18	19	anyone on your staff had conversations with	13:23:02
20	discussion with any of the other representatives	13:20:22	20	Thompson?	13:23:05
21	from any of the other CRT manufacturers?	13:20:26	21	A Not that I recall.	13:23:06
22	A No.	13:20:29	22	Q Now, when I refer to the term "Hitachi," I	13:23:09
23	Q You never -- you never during that period	13:20:30	23	am referring to collectively Hitachi, Ltd., Hitachi	13:23:14
24	of time talked to them at any time?	13:20:33	24	Display, Limited, a Japanese company; Hitachi,	13:23:21
25	A Not that I can recall.	13:20:35	25	Limited, a U.S. company; Hitachi Asia, a Singapore	13:23:23
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1	Q Did you ever -- strike that.	13:20:39	1	Company; Hitachi Electronics, a U.S. company, also	13:23:26
2	Do you recall ever hearing that anyone at	13:20:43	2	referred to as HITUS, and Shenzhen SEG; Hitachi	13:23:30
3	Mitsubishi during the period of time from 1995 to	13:20:45	3	Color Display Devices, Limited, also known as	13:23:36
4	2000 when you were at MELA had discussions with	13:20:52	4	Hitachi Shenzhen, a Chinese company.	13:23:39
5	representatives of other CRT television	13:20:55	5	So when I refer to "Hitachi," I am sort of	13:23:43
6	manufacturers?	13:20:59	6	referring to Hitachi in all of its entities.	13:23:45
7	A No.	13:20:59	7	Okay?	13:23:47
8	Q Did it ever come to your attention that	13:21:00	8	A Okay	13:23:48
9	anyone on your staff, your sales staff, had	13:21:02	9	Q And during the period of time from '95 to	13:23:48
10	conversations with other CRT manufacturers --	13:21:05	10	1999 when you were at MELA, did you ever have any	13:23:52
11	A No.	13:21:08	11	communications with anybody at Hitachi?	13:23:54
12	Q -- during that time?	13:21:08	12	MR. ADELSON: Objection; compound.	13:23:59
13	A No.	13:21:11	13	THE WITNESS: No.	13:24:00
14	Q Did you ever hear of the term "glass	13:21:16	14	BY MR. SAVERI:	13:24:03
15	meeting," "glass meeting"?	13:21:18	15	Q Go ahead.	13:24:03
16	A No, I am not familiar with that. Not to	13:21:22	16	A Not that I can recall.	13:24:04
17	my best recollection, I am not familiar with -- you	13:21:25	17	Q Did it ever come to your attention during	13:24:05
18	say "glass meeting"?	13:21:29	18	this period of time, '95 to '99, that anybody on	13:24:08
19	Q "Glass meeting."	13:21:30	19	your staff had communications with representatives	13:24:13
20	A No.	13:21:32	20	of Hitachi?	13:24:17
21	Q Did you ever hear of the term "crystal	13:21:32	21	MR. ADELSON: Objection; compound.	13:24:18
22	meeting"?	13:21:34	22	THE WITNESS: Not that I can recall.	13:24:20
23	A Never.	13:21:35	23	BY MR. SAVERI:	13:24:21
24	Q So when I refer to the -- have you heard	13:21:57	24	Q You don't know one way or the other?	13:24:21
25	of a company called "Thompson"?	13:22:02	25	A No, I don't think so.	13:24:23

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1	Q	During the relevant period, do you ever	13:24:25	1	A	Yes.	13:26:29
2		recall during the '95 -- strike that	13:24:30	2	Q	When I refer to LG, I'm referring to LG	13:26:30
3		During the '95 to 2000 period when you	13:24:32	3		collectively and all of its entities,	13:26:33
4		were at MELA, do you ever recall running into anyone	13:24:35	4		LG Electronics, the main company in South Korea, the	13:26:35
5		from Hitachi at any events?	13:24:39	5		joint venture, LGPD, that joint venture had with	13:26:40
6	MR. ADELSON:	Objection; compound.	13:24:42	6		Phillips as well as LG Electronics USA, the U.S.	13:26:46
7	THE WITNESS:	I'm sure I did but I don't	13:24:46	7		entity.	13:26:50
8		recall who it was or what their names were.	13:24:47	8		During the '95 to 2000 period when you	13:26:51
9	BY MR. SAVERI:		13:24:49	9		were at MELA, did you ever have any conversations	13:26:55
10	Q	So during that period of time, it's more	13:24:50	10		with anybody at LG?	13:26:57
11		likely than not that you would have run into Hitachi	13:24:52	11	MS. BARCLAY-STROBEL:	Objection, vague,	13:27:01
12		people at trade associations?	13:24:56	12		compound.	13:27:02
13	A	Yes.	13:24:57	13	THE WITNESS:	I am sure that I did at	13:27:03
14	Q	Or buying group events and so forth?	13:24:57	14		trade shows.	13:27:04
15	A	Yes.	13:25:03	15	BY MR. SAVERI:		13:27:05
16	Q	Would that be the same when we were	13:25:07	16	Q	Outside of trade shows, did you ever have	13:27:05
17		talking about Thompson?	13:25:09	17		any conversations with anybody from LG?	13:27:07
18	A	It's possible, but Thompson, I don't	13:25:10	18	A	No.	13:27:11
19		recall.	13:25:12	19	Q	Did it ever come to your attention that	13:27:17
20	Q	And you understand Thompson to be the RCA	13:25:13	20		anybody on your staff had conversations with anybody	13:27:19
21		brand?	13:25:17	21		at LG during that period?	13:27:22
22	A	Yes. I'm sure that I had to run into	13:25:18	22	MS. BARCLAY-STROBEL:	Objection, compound.	13:27:24
23		somebody at RCA. I mean it was a big -- it was a	13:25:22	23	THE WITNESS:	Not that I am aware of.	13:27:27
24		brand and they were at the meetings. So I am sure I	13:25:24	24	BY MR. SAVERI:		13:27:28
25		ran into somebody but I don't recall who they were	13:25:27	25	Q	And when I refer to -- have you heard of	13:27:28

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1		or what their positions were.	13:25:30	1		Matsushi?	13:27:30
2	Q	So it would be the same answer that you	13:25:31	2	A	Yes.	13:27:32
3		gave to Hitachi? It was probably somebody that you	13:25:33	3	Q	And is it your understanding that	13:27:32
4		may run into at the trade association or the group	13:25:36	4		Matsushita that, for lack of a better term, morphed	13:27:34
5		buying groups but you don't specifically recall it?	13:25:38	5		into Panasonic?	13:27:37
6	A	It's very possible to say, yeah, same	13:25:40	6	A	Yes.	13:27:39
7		situation.	13:25:43	7	Q	And though now when I refer to Panasonic,	13:27:39
8	Q	Now, I'm going to ask you when I refer to	13:25:45	8		I am referring to Panasonic entities as well as all	13:27:42
9		"Irico," have you heard of a company called "Irico"?	13:25:47	9		the predecessor or Matsushita entities.	13:27:49
10	A	No.	13:25:52	10	A	Yes.	13:27:52
11	Q	That if I -- when I refer to "Irico," I am	13:25:54	11	Q	And Panasonic would be Panasonic North.	13:27:52
12		referring collectively to the Irico Group	13:25:58	12		America, Matsushita Electric Corporation as well as	13:27:53
13		Electronics, Irico displays.	13:26:01	13		the joint venture with Toshiba, NTPB.	13:27:57
14		Do you ever recall during the '95 to 2000	13:26:04	14		During the period '95 to 2000, did you	13:28:07
15		period when you were at MELA having any	13:26:07	15		ever have any conversations with anybody at	13:28:08
16		conversations with anybody from Irico?	13:26:09	16		Panasonic entities?	13:28:10
17	A	No.	13:26:11	17	A	Yes, at trade shows.	13:28:12
18	Q	Do you recall ever running into anybody at	13:26:12	18	Q	Besides trade shows, did you ever have any	13:28:13
19		Irico during that time period at any trade	13:26:14	19		conversations with anybody from Panasonic during	13:28:15
20		associations?	13:26:17	20		that period of time?	13:28:16
21	A	No, I never heard of the company.	13:26:18	21	A	No.	13:28:17
22	Q	Did you ever hear of anybody on your staff	13:26:21	22	Q	Phillips, have you heard of Phillips?	13:28:21
23		running into anybody from Irico?	13:26:23	23	A	Yes.	13:28:23
24	A	No.	13:26:25	24	Q	And when you talk about Phillips, I am	13:28:23
25	Q	Have you heard of LG?	13:26:28	25		talking about also all of its entities, the Phillips	13:28:25

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1	Royal Dutch Phillips, the joint venture with LG.	13:28:28	1	Q Have you heard of Toshiba?	13:30:21
2	LPGD, LG Phillips and its various entities, Phillips	13:28:31	2	A Yes.	13:30:24
3	Electronics North America. So any of the Phillips	13:28:38	3	Q When I refer to Toshiba, I'm referring to	13:30:26
4	entities.	13:28:42	4	all of its entities, the American entity, the	13:30:28
5	Did you ever have any conversations during	13:28:43	5	Japanese entities and any of its entities.	13:30:31
6	the period of sometime from '95 to 2000 when you	13:28:45	6	During the period of time from '95 to 2000	13:30:33
7	were at MELA with anybody from Phillips?	13:28:48	7	when you were at MELA, did you ever talk to	13:30:35
8	A Not outside --	13:28:51	8	anybody -- have any conversations or communications	13:30:37
9	MS. GELOTT: Objection to form.	13:28:54	9	with anybody at Toshiba?	13:30:40
10	THE WITNESS: Not outside of trade shows.	13:28:54	10	A Yes.	13:30:43
11	BY MR. SAVERI:	13:28:56	11	MR. BLACK: Objection.	13:30:44
12	Q So besides trade shows, did you ever have	13:28:56	12	THE WITNESS: Yes, at trade shows.	13:30:45
13	conversations with anybody during that period of	13:28:58	13	BY MR. SAVERI:	13:30:46
14	time?	13:29:00	14	Q Outside of trade shows?	13:30:46
15	A No.	13:29:01	15	A No.	13:30:48
16	Q No.	13:29:01	16	Q But at trade shows, you would have run	13:30:50
17	Did it ever come to your attention that	13:29:02	17	into Toshiba people?	13:30:52
18	anybody on your staff or in MELA had conversations	13:29:03	18	A Yes.	13:30:53
19	with people at Phillips?	13:29:07	19	Q And now did it ever come to your attention	13:30:54
20	A No.	13:29:09	20	that anybody at MELA had conversations with	13:30:56
21	MS. GELOTT: Objection to form.	13:29:09	21	individuals at Toshiba during the '95 to 2000 period	13:31:03
22	BY MR. SAVERI:	13:29:13	22	when you were at MELA?	13:31:07
23	Q And then you have heard of Samsung.	13:29:13	23	A No.	13:31:08
24	A Yes.	13:29:17	24	MR. BLACK: Objection.	13:31:08
25	Q When I say "Samsung," I am talking	13:29:17	25		
Page 151			Page 153		
1	about -- let's break it down -- Samsung SDI.	13:29:21	1	BY MR. SAVERI:	13:31:11
2	Have you heard of that company?	13:29:28	2	Q Have you heard of a company called	13:31:11
3	A Yes.	13:29:29	3	"Orion"?	13:31:13
4	MR. CASERIA: Objection to form.	13:29:32	4	A Yes.	13:31:15
5	BY MR. SAVERI:	13:29:33	5	Q And when I am referring to Orion, I am	13:31:17
6	Q And when you -- and Samsung SDI and all of	13:29:33	6	referring to the Korean CRT manufacturer.	13:31:27
7	its entities, Samsung Display Device, which is in	13:29:36	7	A I didn't even know they were Korean.	13:31:30
8	Korea, SDI America; SDI Mexico, or any of the SDI	13:29:40	8	Q But you have heard of the company Orion?	13:31:33
9	entities, did you ever have any conversations with	13:29:45	9	A Yes.	13:31:35
10	anybody during '95 to 2000 at SDI?	13:29:47	10	Q And Orion Electric Company, have you heard	13:31:36
11	MR. CASERIA: Object to form.	13:29:52	11	of Orion Electric Company?	13:31:38
12	THE WITNESS: No.	13:29:53	12	A I have heard of Orion.	13:31:40
13	BY MR. SAVERI:	13:29:54	13	Q Just generally Orion?	13:31:42
14	Q Did you ever run into them at trade shows?	13:29:56	14	A Correct.	13:31:43
15	A Yes.	13:29:58	15	Q During the period of time from '95 to	13:31:44
16	Q So outside of trade shows, do you ever	13:29:58	16	2000, did you ever have any conversations with	13:31:45
17	recall talking to anybody at Samsung SDI?	13:30:01	17	anybody from Orion?	13:31:48
18	A No.	13:30:05	18	A No.	13:31:49
19	Q Did it ever come to your attention that	13:30:06	19	Q Did it ever come to your attention that	13:31:52
20	anybody at MELA had conversations with individuals	13:30:08	20	anybody on your staff had conversations with people	13:31:54
21	at Samsung SDI?	13:30:13	21	from Orion during the '95 to 2000 period?	13:31:56
22	A No.	13:30:15	22	A No.	13:32:00
23	Q Have you ever heard of a company called	13:30:17	23	Q Have you ever heard of a company called	13:32:05
24	Tai CRT?	13:30:18	24	"Chungwa"?	13:32:06
25	A No.	13:30:20	25	A No.	13:32:08

39 (Pages 150 - 153)

Page 154

1

Q

Chungwa Picture Tubes?

13:32:08

2

A

No.

13:32:10

3

Q

Do you ever recall meeting anybody from

13:32:11

4

Chungwa Picture Tubes?

13:32:20

5

A

No.

13:32:21

6

Q

Let's talk a little bit about the trade

13:32:30

7

association.

13:32:32

8

You have indicated that you would run into.

13:32:32

9

executives from various of these companies at trade

13:32:34

10

associations; is that correct?

13:32:36

11

A

Yes.

13:32:38

12

Q

Does Mitsubishi belong to any trade

13:32:38

13

associations -- strike that, strike that.

13:32:43

14

From '95 to the 2000 when you were at

13:32:45

15

MELA, was MELA a member of any trade associations?

13:32:48

16

A

The only one I can think of is Consumer

13:32:52

17

Electronics Association, CEA.

13:32:55

18

Q

The CEA

13:32:58

19

And the CEA holds a big convention once a

13:32:59

20

year called "The Consumer Electronics Show"; is that

13:33:05

21

correct?

13:33:07

22

A

Correct.

13:33:07

23

Q

And did you attend every -- did you attend

13:33:09

24

during the period of '95 to 2000 the Consumer

13:33:13

25

Electronics Show in Las Vegas?

13:33:17

1

BY MR. SAVERI:

13:34:09

2

Q

And will you explain to me what would

13:34:10

3

occur at a booth at the Consumer Electronics Show.

13:34:15

4

A

And again, let me preface my answer on the

13:34:19

5

fact I am not sure we were on the floor in that time

13:34:22

6

period.

13:34:26

7

Q

Generally speaking.

13:34:26

8

A

You just meet with customers, with --

13:34:27

9

prospective customers would come by your booth and

13:34:28

10

look at the product and you would discuss the

13:34:32

11

product, the features, the advantages of the product

13:34:35

12

and --

13:34:38

13

Q

But I'm sorry, are you done?

13:34:41

14

A

That's basically it.

13:34:43

15

Q

But could you describe physically the

13:34:44

16

booth.

13:34:46

17

Would it be a big area that you would then

13:34:46

18

have different demonstrations or would it vary year

13:34:48

19

to year or what have you?

13:34:51

20

A

Well, it would vary year to year.

13:34:54

21

However, Mitsubishi Electric or MELA never had a big

13:34:56

22

booth. It was too expensive. So if we had

13:35:01

23

something, it was relatively small.

13:35:04

24

Q

But would Mitsubishi MELCO have a booth?

13:35:06

25

A

I don't recall if they did at that time

13:35:09

Page 155

1

A

Yes.

13:33:20

2

Q

Do you think you missed any one during

13:33:21

3

that period of time?

13:33:24

4

A

I am sorry?

13:33:25

5

Q

Let me restate the question.

13:33:26

6

Did you attend each year from '95 to 2000

13:33:27

7

the Consumer Electronics Show in Las Vegas?

13:33:30

8

A

Yes.

13:33:34

9

Q

And does Mitsubishi have a booth at the

13:33:35

10

Consumer Electronics Show during this period of

13:33:38

11

time? Let's just focus on that period of time, if

13:33:42

12

you recall

13:33:44

13

MR. FUENTES: Object to the form.

13:33:45

14

THE WITNESS: Some years, we had a booth;

13:33:47

15

some years, we decided not to. So I'm not

13:33:48

16

sure which years we had a booth or which years we

13:33:53

17

did not. I don't recall.

13:33:56

18

BY MR. SAVERI:

13:33:57

19

Q

Just for the record, when I say "a booth,"

13:33:57

20

that would be an area on the floor that would

13:34:00

21

demonstrate Mitsubishi products and would be

13:34:02

22

attended by Mitsubishi employees, correct?

13:34:04

23

MR. FUENTES: Object to the form.

13:34:08

24

THE WITNESS: Correct.

13:34:09

25

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1

I think not.

13:35:10

2

Q

And if MELA didn't have a booth, would

13:35:11

3

there be any Mitsubishi booth there?

13:35:15

4

A

Not that I can think of.

13:35:17

5

Q

And did Mitsubishi -- and who else

13:35:19

6

attended from MELA during this '95 to 2000 period?

13:35:29

7

A

The president would attend. Certain

13:35:38

8

members of the sales team. It depended upon whether

13:35:46

9

or not they had a customer there. It was contingent

13:35:48

10

upon whether or not one of their important customers

13:35:52

11

was there. They may come up to meet with that

13:35:54

12

customer and myself.

13:35:59

13

Q

Did any executives from MELCO attend

13:36:03

14

during this '95 to 2000 period?

13:36:08

15

A

Not that I recall. I don't know. I don't

13:36:10

16

remember.

13:36:12

17

Q

And who -- would Mitsubishi have a

13:36:13

18

hospitality booth?

13:36:17

19

MR. FUENTES: Object to the form.

13:36:19

20

BY MR. SAVERI:

13:36:20

21

Q

During this period of time?

13:36:20

22

A

We would have a -- we would have like a

13:36:22

23

hospitality suite, possibly, where a meeting or two

13:36:29

24

would take place but not a -- not a big hospitality

13:36:34

25

booth, per se.

13:36:40

40 (Pages 154 - 157)

Page 158			Page 160		
1	Q So in the -- in the hotel there where the	13:36:41	1	with -- that you would run into Toshiba people, is	13:39:34
2	convention was going on, you would rent out a suite	13:36:51	2	that correct?	13:39:36
3	to have a hospitality event, a meeting with various	13:36:54	3	A From time to time,	13:39:38
4	individuals?	13:36:57	4	Q And you would run into Samsung people, is	13:39:38
5	A No, it would be off site. So it may be at	13:36:57	5	that correct?	13:39:41
6	a hotel. It's not necessarily a part of the	13:37:00	6	MR. CASERIA: Object to form	13:39:46
7	convention center. The convention center is one	13:37:05	7	THE WITNESS: I don't recall Samsung	13:39:47
8	thing and we may have a meeting room or a suite off	13:37:07	8	people.	13:39:48
9	site to meet with large customers who didn't really	13:37:10	9	BY MR. SAVERI:	13:39:48
10	want to be walking around on the floor because	13:37:14	10	Q Would you have run into LG people?	13:39:48
11	they're just constantly bothered by people who want	13:37:16	11	A I don't recall LG people at that time,	13:39:50
12	to sell them something. So they may want to meet	13:37:20	12	Q Would you run into Panasonic people?	13:39:53
13	more in a private environment. So we would have	13:37:23	13	A Possibly.	13:39:57
14	something off site to do that.	13:37:26	14	Q And who at Panasonic would you run into?	13:40:01
15	Q So the convention center had the show but	13:37:26	15	Do you recall?	13:40:04
16	then your hospitality booth would be in one of the	13:37:31	16	A I don't recall any specific individual.	13:40:05
17	hotels?	13:37:34	17	Q Do you recall any Phillips people?	13:40:13
18	A Correct.	13:37:35	18	A No, no, I do not.	13:40:16
19	Q And during this period of time, do you	13:37:39	19	Q If executives from MELCO attended, would	13:40:26
20	ever recall any sales -- or strike that.	13:37:43	20	they meet with you at the Consumer Electronics Show?	13:40:32
21	During this period of time from '95 to	13:37:49	21	A Possibly not. I don't recall any specific	13:40:37
22	2000, do you recall any of your competitors	13:37:51	22	meetings, but if they did come in, they may come in	13:40:39
23	attending your hospitality suite?	13:37:54	23	just to take a look at the show and leave.	13:40:43
24	A Not that I recall. Not while I was there.	13:37:58	24	Q So from this '95 to 2000 period, besides	13:40:59
25	Q Do you ever recall going to any of your	13:38:01	25	these casual run-ins with other sales executives,	13:41:02
Page 159			Page 161		
1	competitors' hospitality suites during this period	13:38:04	1	you don't remember any dinners or cocktails with any	13:41:07
2	of time?	13:38:10	2	executives from any of these other television --	13:41:12
3	A I don't recall going to any competitors'	13:38:11	3	A No, I do not recall -- I do not recall	13:41:16
4	suites.	13:38:13	4	any.	13:41:19
5	Q Would agendas be created for the time of	13:38:21	5	Q Did you ever attend the Computex Trade	13:41:20
6	the CES?	13:38:26	6	Association in Taipei?	13:41:26
7	A The only agendas that would be created	13:38:29	7	A No.	13:41:28
8	that I am familiar with would be the meetings with	13:38:31	8	Q Did you ever attend the Cebit Trade	13:41:28
9	the customers. That would be the agenda.	13:38:33	9	Association in Germany?	13:41:32
10	Q And who would prepare the agenda?	13:38:39	10	A No.	13:41:33
11	A The different account executives would set	13:38:41	11	Q Did you ever go to COMDEX?	13:41:34
12	up meetings with their customers who would attend	13:38:44	12	A No.	13:41:37
13	and then we would just formalize one single agenda	13:38:48	13	Q Did you ever attend the IFA association in	13:41:40
14	that plugged all the meetings in.	13:38:55	14	Berlin?	13:41:44
15	Q Now, during this period of time from --	13:39:00	15	A Yes.	13:41:45
16	let's just concentrate on the CES, the Computer	13:39:01	16	Q And when did you attend that?	13:41:45
17	Electronics Show in Las Vegas.	13:39:06	17	A I am thinking around 2000 or 2001, in that	13:41:47
18	From '95 to 2000, you indicated that you	13:39:09	18	time period. I am not sure.	13:41:53
19	would run into Toshiba sales people there, is that	13:39:14	19	Q And what was the purpose of the trip to	13:41:59
20	correct?	13:39:20	20	IFA?	13:42:01
21	A Well, more than just Toshiba. There would	13:39:21	21	A To see what the -- see what the European	13:42:02
22	be others, just in passing in the hall, possibly.	13:39:23	22	design looked like, cosmetic design looked like.	13:42:08
23	Nothing, no formal meetings, no formal dinners or	13:39:26	23	Q And did Mitsubishi have a booth there at	13:42:16
24	lunches or anything like that.	13:39:31	24	the IFA?	13:42:18
25	Q Well, but you indicated that you met	13:39:32	25	A I don't recall. I don't think so.	13:42:20

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Page 162				Page 164			
1	Q	Did they have a hospitality suite there?	13:42:21	1	handed you what has been designated Exhibit 8306.		13:45:04
2	A	No	13:42:23	2	It bears the basis number ME00140433 through 140437.		13:45:07
3	Q	Do you recall meeting with any individuals	13:42:24	3	Can you take a minute and let me know when		13:45:20
4		from any of the other television manufacturers?	13:42:28	4	you are ready		13:45:24
5	A	No	13:42:31	5	A Okay		13:45:30
6	Q	Did you ever attend CEATEC, C-E-A-T-A-C,	13:42:35	6	Q If you could start on second page, which		13:45:31
7		in Tokyo?	13:42:41	7	is 140434		13:45:36
8	A	Unless that's a -- unless that's the	13:42:45	8	Do you see the "from" line up there?		13:45:40
9		J-Tec, if it's one in the same as J-Tec.	13:42:47	9	A Yes.		13:45:46
10	Q	It could be	13:42:52	10	Q And there is the "Wasinger, Max" next to		13:45:46
11	A	Then I did attend that if it is the	13:42:53	11	that.		13:45:52
12		Japanese Consumer Electronics Show.	13:42:55	12	Is that you, sir?		13:45:52
13	Q	J-Tac?	13:42:57	13	A Yes.		13:45:53
14	A	J-Tec, J-Tec, or we called it, you know,	13:42:59	14	Q And you see the date, June 22, 2006?		13:45:54
15		Japanese consumer -- JCES, but it may be CEATEC.	13:43:01	15	A Yes.		13:45:56
16	Q	And how many times did you go to the J-Tec	13:43:07	16	Q Would that indicate to you that this is an		13:45:56
17		or JCES?	13:43:09	17	E-mail you sent on or about June 22, 2006?		13:45:58
18	A	During what time period is this?	13:43:11	18	A Yes.		13:46:06
19	Q	From '95 forward until you left.	13:43:12	19	Q And did you write this in your duties and		13:46:06
20	A	I don't recall.	13:43:20	20	responsibilities at Mitsubishi at the time?		13:46:08
21	Q	Once a year?	13:43:22	21	A Yes.		13:46:12
22	A	Yes, once a year, but I don't know that we	13:43:23	22	Q And would this have been maintained in the		13:46:12
23		went every year in that time period.	13:43:25	23	ordinary course of business on your servers at		13:46:16
24	Q	Do you recall going at all in the '95 to	13:43:30	24	Mitsubishi?		13:46:18
25		2000 period?	13:43:32	25	MR. FUENTES: Objection, foundation		13:46:19

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1	A	I believe I did	13:43:33	1	THE WITNESS Yes, should be		13:46:22
2	Q	And did Mitsubishi have a booth there?	13:43:35	2	BY MR. SAVERI.		13:46:23
3	A	Yes.	13:43:37	3	Q And then you see below, it says, "Thanks"		13:46:24
4	Q	And did you meet with any of the MELCO	13:43:38	4	and signed "Max" on the next page?		13:46:28
5		executives when you went over?	13:43:41	5	A Okay.		13:46:31
6	A	I am sure I met them. I didn't meet with	13:43:42	6	Q And it says, "Subject: Meeting with		13:46:34
7		them -- discuss anything in particular, just a	13:43:45	7	Mr. Kurisaka "		13:46:37
8		casual meeting	13:43:47	8	Do you see that?		13:46:41
9	Q	Do you recall talking to any individuals	13:43:49	9	A Yes.		13:46:41
10		from any of the other television manufacturers	13:43:51	10	Q And who is Mr. -- excuse me -- Kurisaka?		13:46:42
11		there?	13:43:54	11	A Kurisaka, I don't recall his exact job		13:46:49
12	A	No.	13:43:55	12	title. I know he was from Japan side, I believe,		13:46:56
13	Q	You don't recall running into any of them?	13:43:56	13	but I don't recall his exact job title.		13:46:59
14	A	No.	13:43:58	14	Q And if we can, Ken Kadis.		13:47:02
15	Q	Did you -- did you socialize with any of	13:43:59	15	Do you see the "to" line?		13:47:05
16		them?	13:44:01	16	A Yes.		13:47:06
17	A	No.	13:44:02	17	Q And who is Mr. Kadis?		13:47:07
18	Q	Did you go play golf or go out with any of	13:44:02	18	A He was a regional vice president.		13:47:09
19		them?	13:44:05	19	Q For what division or product?		13:47:17
20	A	No.	13:44:06	20	A East -- east coast.		13:47:18
21		(Plaintiff's Exhibit 8306 was marked for	13:44:06	21	Q And Matt Pugel?		13:47:21
22		identification by the court reporter and	13:44:06	22	A Yes.		13:47:22
23		is attached hereto.)	13:44:06	23	Q And who is Matt?		13:47:23
24	BY MR. SAVERI:		13:44:06	24	A West Coast Regional VP.		13:47:24
25	Q	Mr. Wasinger, the court reporter has now	13:45:03	25	Q And Gary Watkins?		13:47:27

42 (Pages 162 - 165)

Page 166				Page 168			
1	A	Central Region Regional VP.	13:47:28	1	Q	Did you ever share any market information	13:49:56
2	Q	So these would all be salespeople that	13:47:32	2		with any of your competitors?	13:50:00
3		reported to you?	13:47:34	3	A	Never.	13:50:03
4	A	That's correct.	13:47:35	4	Q	Did it ever come to your attention that	13:50:04
5	Q	And then there is a CC line, Dave Alhart?	13:47:35	5		any of your sales staff were exchanging market	13:50:06
6	A	Yes.	13:47:39	6		information?	13:50:09
7	Q	Who is Mr. Alhart?	13:47:39	7	A	Absolutely not.	13:50:09
8	A	Business planning.	13:47:41	8	Q	If you turn to 140436. That is blank but	13:50:15
9	Q	And Frank DeMartin?	13:47:42	9		the next page is the document.	13:50:24
10	A	Marketing.	13:47:45	10		Do you see up in the top right, it says	13:50:29
11	Q	And Susumu Oshibe?	13:47:47	11		"6/16/2006," next page, yes?	13:50:30
12	A	Business planning.	13:47:50	12	A	Yes.	13:50:40
13	Q	I guess she goes by "Sam"?	13:47:53	13	Q	Can you -- can you, please, describe to me	13:50:40
14	A	Yes.	13:47:55	14		what this is.	13:50:43
15	Q	Mike Stapleton?	13:47:55	15	A	It's a document that has Mitsubishi	13:50:45
16	A	At that time, he had moved over -- he was	13:47:57	16		product and then competitive brands that are similar	13:50:49
17		in charge of the logistics.	13:47:59	17		product to Mitsubishi product and the MAP pricing of	13:50:55
18	Q	And where -- where would he have been at	13:48:05	18		that product, I believe it's MAP pricing of that	13:51:06
19		this time? In Georgia? No.	13:48:08	19		product as it relates to Mitsubishi.	13:51:09
20	A	Yeah, I believe in Georgia. Yes, he	13:48:11	20	Q	So this is a chart?	13:51:13
21		commuted at this time back and forth between Georgia	13:48:14	21	A	Yes.	13:51:15
22		and the west coast	13:48:17	22	Q	So on the left, it has size 37 to 39. I	13:51:16
23	Q	And when did Mike Stapleton leave the	13:48:20	23		assume that is the size of the televisions.	13:51:20
24		company?	13:48:23	24	A	Yes.	13:51:22
25		Do you recall?	13:48:23	25	Q	Running down all the way to over 60, is	13:51:23


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1	A	I thought -- I think around 2010, in that	13:48:24	1		that correct?	13:51:26
2		time period.	13:48:27	2	A	Yes.	13:51:26
3	Q	Do you know the reason for his leaving?	13:48:30	3	Q	And then it has the -- on the top, it had	13:51:28
4	A	Retired.	13:48:32	4		key feature, HD-PDP	13:51:33
5	Q	And Glen Yamashita?	13:48:33	5		Is that plasma?	13:51:37
6	A	He was in charge of consumer relations.	13:48:37	6	A	Yes.	13:51:37
7	Q	And all of these people would have been at	13:48:41	7	Q	And then HD-LCD, liquid crystal displays?	13:51:38
8		the -- would that be MDEA?	13:48:44	8	A	Yes.	13:51:42
9	A	Yes.	13:48:51	9	Q	And then 1080P LCD, that is the high	13:51:43
10	Q	And then line three, it says,	13:48:55	10		resolution LCD?	13:51:48
11		"Analysis dealer/consumer/competitor	13:49:11	11	A	Correct.	13:51:51
12		feedback by market."	13:49:19	12	Q	And then the chart would be trying to	13:51:51
13		What is your understanding of that, sir?	13:49:20	13		compare the Mitsubishi product to its competitor	13:51:53
14	A	Just looking for exactly what it says.	13:49:22	14		products in the same category	13:51:56
15	Q	And how would you get competitor feedback?	13:49:25	15		Is that it?	13:51:58
16	A	You would have to reach out to the dealers	13:49:28	16	A	Yes.	13:51:59
17		and also -- yeah, the dealers and industry --	13:49:31	17	Q	And the -- for example, under Hitachi LCD,	13:52:00
18		industry journals, you know, informational reports.	13:49:34	18		it would have Hitachi November 2699.	13:52:08
19	Q	Did you ever ask any of your salespeople	13:49:39	19		Would that mean the MAP pricing would be	13:52:16
20		to contact competitors to get feedback?	13:49:41	20		in effect in November?	13:52:18
21	A	No, ever.	13:49:45	21	A	That is what I would think it would mean	13:52:20
22	Q	Did it ever come to your attention that	13:49:46	22	Q	And the same thing October.	13:52:22
23		any of your salespeople were contacting competitors	13:49:48	23		So that would be pricing for October?	13:52:24
24		to get feedback?	13:49:51	24	A	Correct.	13:52:27
25	A	No.	13:49:52	25	Q	And what is your understanding of --	13:52:28

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1	understanding of where your staff would have gotten	13:52:32	1	product?	13:54:37
2	that type of information?	13:52:34	2	MR. FUENTES: Object to the form.	13:54:38
3	A Probably would have been fed to them by a	13:52:36	3	THE WITNESS: Based on the request from --	13:54:40
4	retailer, a customer, of ours.	13:52:39	4	yes. To answer your question, yes.	13:54:44
5	Q Did you -- go ahead. I'm sorry.	13:52:42	5	MR. SAVERI: That's all I have. Thank	13:54:55
6	A Finished.	13:52:46	6	you.	13:54:58
7	Q Did you ever ask your staff to go out and	13:52:46	7	MR. MURRAY: I have a couple, just a few	13:55:02
8	get information regarding competitors' feature	13:52:48	8	questions.	13:55:04
9	pricing?	13:52:52	9		13:55:04
10	A I am sure from time to time, but I don't	13:52:53	10	EXAMINATION	13:55:04
11	recall any specific example of that, but this is an	13:52:55	11	BY MR. MURRAY:	13:55:25
12	example of when I had -- when I did go out and ask	13:52:59	12	Q We on the record.	13:55:38
13	for the information, as it indicates on the prior	13:53:01	13	Good afternoon, Mr. Wasinger. My name is	13:55:39
14	page.	13:53:03	14	Kevin Murray. I represent Sears and K-Mart.	13:55:40
15	Q But you -- you -- but this type of	13:53:04	15	During the time period we have been	13:55:44
16	activity would have occurred in the '95 to 2000	13:53:08	16	talking about, 1995 to 2000 when you were at MELA as	13:55:46
17	period.	13:53:11	17	the Western Region Vice President, did you ever sell	13:55:52
18	You would have asked the sales staff to go	13:53:11	18	to Sears? And I'm talking about CRT products.	13:55:55
19	out and get information regarding competitive	13:53:14	19	A I believe we did	13:56:00
20	pricing, right?	13:53:15	20	Q But did you personally or are you talking	13:56:01
21	MR. FUENTES: Object to the form.	13:53:17	21	on behalf of the company?	13:56:04
22	THE WITNESS: I don't recall doing that.	13:53:22	22	A I was in on the sales meetings, to answer	13:56:08
23	BY MR. SAVERI:	13:53:23	23	your question. Not all of them because I had a	13:56:11
24	Q But clearly, by 2006, you were asking your	13:53:23	24	person assigned on that account, but I was in some	13:56:13
25	staff to get the information on future competitive	13:53:26	25	of the sales meetings, yes	13:56:16
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1	pricing, correct?	13:53:28	1	Q Would Sears have been a national account?	13:56:18
2	MR. FUENTES: Object to the form.	13:53:28	2	A Yes.	13:56:19
3	THE WITNESS: Yes.	13:53:29	3	Q And how would that have worked when you	13:56:20
4	BY MR. SAVERI:	13:53:30	4	divide the country up into east and west and you	13:56:23
5	Q And the last page here -- it's "6/3/2006"	13:53:36	5	have a company that does business in both halves of	13:56:25
6	up in the upper right-hand corner.	13:53:43	6	the country?	13:56:29
7	Do you see that?	13:53:45	7	A I just --	13:56:30
8	A Yes.	13:53:46	8	MR. FUENTES: Object to the form.	13:56:31
9	Q Same type of chart as the previous one?	13:53:46	9	THE WITNESS: I just assigned it to an	13:56:32
10	A Yes.	13:53:48	10	individual who was either geographically in that	13:56:34
11	Q So on size, it has under 49, 50 to 54, but	13:53:49	11	area who was capable of handling that type of	13:56:37
12	it seems to be slightly different products; is that	13:54:01	12	account even though they had, you know,	13:56:40
13	correct?	13:54:04	13	responsibility for other parts of the country.	13:56:42
14	A Yes.	13:54:05	14	BY MR. MURRAY:	13:56:44
15	Q MD HDTV?	13:54:07	15	Q Now, Sears is based in Chicago.	13:56:45
16	A Micro display.	13:54:10	16	Would that have been your area or would	13:56:47
17	Q Micro display, that would be a rear	13:54:12	17	that have been someone from the east?	13:56:49
18	projection?	13:54:13	18	A I had responsibility for that area, as	13:56:50
19	A Yes.	13:54:14	19	well.	13:56:51
20	Q And then CRT HDTV, that would be a cathode	13:54:14	20	Q For the Chicago area?	13:56:52
21	ray tube model?	13:54:20	21	A Yes.	13:56:53
22	A Yes.	13:54:21	22	Q And did you ever have any dealings with	13:56:54
23	Q And this is the same, that you would have	13:54:29	23	K-Mart --	13:56:57
24	asked your staff to go out and get information	13:54:31	24	A No.	13:56:58
25	regarding the future pricing of your competitors'	13:54:34	25	Q -- during that time period?	13:56:58

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1	A	No. 13:57:01	1	Q	Anyone else? 13:59:03
2	Q	K-Mart was based in Michigan. 13:57:03	2	A	Jim -- I can't think of his last name. 13:59:05
3		Would that have been the eastern region? 13:57:04	3	Jim -- I am sorry. I can't recall his name right 13:59:11	
4	A	Again, under my responsibility at that 13:57:09	4	now. 13:59:13	
5	time	13:57:10	5	Q	Do you recall what time period you dealt 13:59:15
6	Q	Pardon me? 13:57:11	6	with Mr. Bacon? 13:59:17	
7	A	Still was my responsibility at that time. 13:57:11	7	A	No, I don't recall the exact time period. 13:59:19
8	Q	Michigan was under your responsibility? 13:57:13	8	Q	And the other individual named Jim, do you 13:59:22
9	A	Yes. 13:57:15	9	recall what time period? 13:59:24	
10	Q	Even though it's east of the Mississippi? 13:57:15	10	A	No. About the same time period. 13:59:27
11	A	Are you talking in '95 to 2000? 13:57:18	11	Q	When you say "the same time period," what 13:59:30
12	Q	Right. 13:57:20	12	is that? The '98? 13:59:31	
13	A	I had national responsibility during 13:57:21	13	A	Probably later, later -- later in that 13:59:34
14	that -- actually, I think '96, I took national 13:57:23		14	cycle, closer to 2000. 13:59:37	
15	responsibility. So '95 stands by itself. And '96 13:57:26		15	Q	Would that have been with CRT products? 13:59:41
16	on, I had national responsibility. 13:57:28		16	A	Yes. 13:59:45
17	Q	Do you recall who you assigned on your 13:57:30	17	Q	Where would those meetings have taken 13:59:51
18	team to Sears? 13:57:33		18	place? 13:59:53	
19	A	I don't recall. I'm sorry. I would have 13:57:38	19	A	In Schaumburg, Illinois. 13:59:55
20	to think about that a little bit. 13:57:40		20	Q	What was in Schaumburg? 13:59:59
21	Q	Do you recall who on your team you 13:57:42	21	A	Sears corporate headquarters at that time. 14:00:02
22	assigned to K-Mart? 13:57:44		22	I think it was. 14:00:04	
23	A	We didn't sell to K-Mart. We really. 13:57:45	23	Q	Do you ever recall going out to Hoffman 14:00:06
24	weren't interested in K-Mart. The reason is, we 13:57:53		24	Estates? 14:00:08	
25	were an upscale brand. K-Mart didn't fit our 13:57:55		25	A	Well, Schaumburg 14:00:09
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1	profile for a dealer. 13:57:59		1	Q	Hoffman Estates? 14:00:11
2	Q	Do you recall any meetings you attended 13:58:01	2	A	Hoffman Estates. Sorry about that. 14:00:13
3	with representatives of Sears? 13:58:02		3	Q	What other national accounts did you deal 14:00:16
4	A	Do I recall? 13:58:05	4	with during the '95 to 2000 time period? 14:00:18	
5	Q	Recall any meetings you attended with 13:58:05	5	A	I think Sears was about the only one. We 14:00:22
6	representative of Sears during this time period. 13:58:08		6	did open Best Buy but I am not sure exactly when 14:00:24	
7	A	I can't recall anyone -- any specific 13:58:11	7	that occurred. That would have been closer to 2000 14:00:28	
8	person off the top of my head. Again, I would have 13:58:13		8	or maybe a little bit after 2000, we opened 14:00:30	
9	to think about it a little bit, but I don't recall 13:58:17		9	Best Buy, but Sears was the only national account 14:00:34	
10	anyone at Sears that I met with. 13:58:20		10	that we did business with 14:00:37	
11	Q	Let's just be clear. 13:58:22	11	Q	Well, thank you very much. I don't have 14:00:41
12	You don't recall who on your team you 13:58:23		12	any further questions. 14:00:43	
13	assigned to Sears, is that correct? 13:58:25		13	A	Thank you. 14:00:44
14	A	I can't recall. I can't recall at this 13:58:33	14	MR. SAVERI: I think that is it. 14:00:52	
15	time 13:58:34		15	MR. FUENTES: I have a question or two for 14:00:54	
16	Q	And do you recall -- and you can't recall 13:58:35	16	you, Mr. Wasinger. 14:00:55	
17	any of the individuals at Sears that you dealt with? 13:58:37		17	THE WITNESS: Okay. 14:01:01	
18	A	During that time period, I don't recall 13:58:41	18	14:01:01	
19	who I -- who it would have been. 13:58:42		19	EXAMINATION 14:01:01	
20	Q	Do you recall in other time periods people 13:58:46	20	BY MR. FUENTES. 14:01:01	
21	at Sears you dealt with? 13:58:48		21	Q	A moment ago, Mr. Saveri asked you whether 14:01:04
22	A	I am trying to think who would have been 13:58:53	22	clearly by 2006 you were asking your staff to obtain 14:01:10	
23	back then. Bacon, guy by the name of Bacon. 13:58:55		23	or try to obtain future competitive pricing 14:01:14	
24	Q	Chuck Bacon? 13:58:59	24	information. 14:01:18	
25	A	Chuck Bacon. 13:59:01	25	Do you remember that question? 14:01:21	

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<p>Page 178</p> <p>1 A Yes. 14:01:23</p> <p>2 Q And your answer to that question was yes. 14:01:25</p> <p>3 Do you remember that? 14:01:27</p> <p>4 A Yes. 14:01:28</p> <p>5 Q Did you ever instruct any of your staff 14:01:29</p> <p>6 members to go out and speak to a competitor to learn 14:01:33</p> <p>7 about its pricing information, past, present or 14:01:37</p> <p>8 future? 14:01:40</p> <p>9 A Never. That was absolutely a no-no. 14:01:40</p> <p>10 We -- at every national sales meeting, we had a 14:01:44</p> <p>11 meeting with our legal counsel and we had coined a 14:01:49</p> <p>12 phrase, "I am not authorized to discuss that 14:01:52</p> <p>13 subject." 14:01:54</p> <p>14 MR. FUENTES: No further questions. Okay. 14:01:55</p> <p>15 Off the record. 14:02:03</p> <p>16 THE VIDEOGRAPHER: Off the record at 14:02:04</p> <p>17 2:02 p.m. 14:02:04</p> <p>18 (The deposition was concluded at</p> <p>19 2:02 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 180</p> <p>1 STATE OF _____)</p> <p>2) Ss.</p> <p>3 COUNTY OF _____)</p> <p>4 I, DARYL BAUCUM, a Certified Shorthand</p> <p>5 Reporter of the State of California, do hereby</p> <p>6 certify;</p> <p>7 That the foregoing proceedings were taken</p> <p>8 before me at the time and place herein set forth,</p> <p>9 at which time the witness named in the foregoing</p> <p>10 proceeding was placed under oath; that a record</p> <p>11 of the proceedings was made by me using machine</p> <p>12 shorthand which was thereafter transcribed under my</p> <p>13 direction; and that the foregoing pages contain a</p> <p>14 full, true and accurate record of all proceedings</p> <p>15 and testimony to the best of my skill and ability.</p> <p>16 I further certify that I am neither</p> <p>17 financially interested in the outcome nor a relative</p> <p>18 or employee of any attorney or any party to this</p> <p>19 action.</p> <p>20 IN WITNESS WHEREOF, I have subscribed my</p> <p>21 name this 27th day of July, 2015.</p> <p>22</p> <p>23</p> <p>24 </p> <p>25 DARYL BAUCUM, CSR No. 10356</p>
<p>Page 179</p> <p>1 DECLARATION</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I, MAX WASINGER, do hereby declare that I</p> <p>6 have read the foregoing transcript; that I have made</p> <p>7 any corrections as appear noted, in ink, initialed</p> <p>8 by me, or attached hereto; that my testimony as</p> <p>9 contained herein, as corrected, is true and correct.</p> <p>10 I declare under the penalties of perjury</p> <p>11 under the laws of the State of California that the</p> <p>12 foregoing is true and correct.</p> <p>13 This declaration is executed this _____</p> <p>14 day of _____, 2015, at</p> <p>15 _____, California.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 MAX WASINGER</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.